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≡ HEARING
≡ SENATE RULES COMMITTEE
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STATE OF CALIFORNIA



STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA

MONDAY, JUNE 15, 1998
1:35 P.M.

1 SENATE RULES COMMITTEE

2 STATE OF CALIFORNIA

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6 HEARING

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10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

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16 MONDAY, JUNE 15, 1998

17 1:35 P.M.

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25 Reported by

26
27 Evelyn J. Mizak
28 Shorthand Reporter

APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR JOHN LEWIS, Vice Chair

SENATOR RUBEN AYALA

SENATOR TERESA HUGHES

SENATOR WILLIAM KNIGHT

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NANCY MICHEL, Consultant on Governor's Appointments

WADE TEASDALE, Consultant to SENATOR LEWIS

FELICE TANENBAUM, Consultant to SENATOR HUGHES

ANDY PUGNO, Consultant to SENATOR KNIGHT

ALSO PRESENT

DANIEL A. APODACA, Member
California State Lottery Commission

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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

SENATOR LEWIS: Governor's appointee appearing today, Mr. Daniel Apodaca, Member, California State Lottery Commission.

Mr. Apodaca, welcome to the Committee, sir.

MR. APODACA: Good afternoon.

SENATOR LEWIS: Do you have any kind of prepared statement you'd like to give us?

MR. APODACA: I do not.

I've been reappointed by the Governor. My first appointment started in April of 1992. I was recently reappointed for an additional five years.

SENATOR LEWIS: To get this going, I'm going to ask you the same question I've asked a couple of other Lottery Commission appointees in the past, and that is, are you troubled at all by the notion of an arm of state government using moneys to advertise, entice people to try to gamble in the State of California?

MR. APODACA: I'm more troubled -- well, possibly ambivalent about the fact that the government is -- state government is in the gambling business. However, it is so.

SENATOR LEWIS: Any questions for Mr. Apodaca, Members of the Committee.

SENATOR HUGHES: This will be your second time?

MR. APODACA: Yes, ma'am.

SENATOR HUGHES: Your second appointment.

1 How do you look back, and how feel about your
2 previous service, and what do you plan on doing in the in coming
3 years?

4 MR. APODACA: I would think continuing to
5 maximize the revenues so that we can continue to increase our
6 contribution to education.

7 Getting through what we call the Bridge Project,
8 which is -- unfortunately may entail laying off some of our
9 employees, getting that behind us and moving ahead.

10 We have some pretty ambitious plans for this that
11 have already been set in motion.

12 SENATOR HUGHES: No further questions

13 SENATOR LEWIS: Any other questions, Members of
14 the Committee? Everybody's anxious to get out of here today.

15 SENATOR HUGHES: Move it.

16 SENATOR LEWIS: Anyone wishing to testify in
17 favor of the nomination? Anyone wishing to testify in
18 opposition or raising concerns? Mr. Popejoy? No.

19 Call the roll.

20 SECRETARY WEBB: Senator Ayala.

21 SENATOR AYALA: Aye.

22 SECRETARY WEBB: Ayala Aye.

23 SECRETARY WEBB: Senator Hughes.

24 SENATOR HUGHES: Aye.

25 SECRETARY WEBB: Hughes Aye. Senator Knight.

26 SENATOR KNIGHT: Aye.

27 SECRETARY WEBB: Knight Aye. Senator Lewis.

28 SENATOR LEWIS: Aye.

1 SECRETARY WEBB: Lewis Aye. Senator Burton.

2 Four to zero.

3 SENATOR LEWIS: Congratulations, sir --

4 MR. APODACA: Thank you very much.

5 [Thereafter, CHAIRMAN LEWIS'

6 Aye vote was added pursuant

7 to Senate Rule 28.7, making

8 the finale vote 5-0.]

9
10 [Thereupon this portion of the

11 Senate Rules Committee hearing was

12 terminated at approximately 1:43 P.M.]

13 --ooOoo--


CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of June, 1998.


EVELYN J. MIZAK
Shorthand Reporter

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ALSO PRESENT

ROBERT G. FOSTER, Trustee
California State University

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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: Robert Foster, will you come and be sworn.

MR. FOSTER: Mr. Chairman and Members, my name is Bob Foster. I'm Senior Vice President for Edison International in Southern California Edison.

I want to thank you for the opportunity to appear before you today. I'm here for a hearing on confirmation for the California State University system. And just briefly, I'd like to give you a little background and the reasons why I'd like this position.

I have, as you may see from my resume, over 25 years of government and business experience in California. I'm a graduate of the CSU system from San Jose State in 1969.

I believed then, as I believe now, that it is a great university system. It is one of the most, if not the most, accessible and affordable systems in the world. I'm thankful for the preparation that it gave me to participate in policy decisions, actually some of them with Members of this house, and in my business career. It gave me a very good background in which to pursue interest in business.

I asked to be appointed to this position, and I'm sure you hear this a great deal, because I truly wanted to give back to an institution in this state that has given me so much. I wanted to use my background in business and government to help the university system, and, more importantly, to help today's and tomorrow's students be as well prepared or better prepared

1 than we were.

2 You'll notice that, as I mention, I have a
3 background and have participated in a number of policy
4 decisions, particularly energy policy. I then had the unique
5 experience of having to go over to the Energy Commission as an
6 administrator and implement those policies. I have to tell you
7 that it was a humbling experience, one I think most people
8 should have, of actually having to go over and implement
9 something you had a hand in drafting. It opened my eyes to a
10 lot of things.

11 I then moved to business, where I think I've
12 gained a substantial amount of management experience. I've been
13 able to work with people as well as institutions.

14 And I realize that the State University system
15 has a number of challenges ahead of it. They range from the
16 substantial influx of new students, to larger enrollment, to
17 teacher education, to advanced technology, trying to bring the
18 State University system if not to the cutting edge, at least
19 close with computer systems, and perhaps most importantly of
20 all, the preparation of students, or better preparation of
21 students so that we can really try to have some reduction out of
22 remedial math and English necessary for incoming freshman.

23 I approach this position with enthusiasm and
24 commitment. I want to thank you for your consideration on this
25 appointment, and I'd be happy to answer any questions you may
26 have.

27 CHAIRMAN BURTON: Are you familiar at all with
28 what's going on in negotiations between CSU and various employee

1 organizations at all, Bob?

2 MR. FOSTER: Only in a general way,
3 Mr. Chairman. I was just recently assigned to the Collective
4 Bargaining Committee, and I have not been fully briefed on that.

5 CHAIRMAN BURTON: There was real problem just in
6 attitude by the University system. Then Chuck Reed, I met with
7 him and people from the faculty groups. In other words, I
8 think, like, the hostility was gone, but you're just getting
9 involved in that.

10 If you could kind of keep us apprised of what's
11 going on, it would be greatly appreciated.

12 MR. FOSTER: I'd be happy to, Senator.

13 CHAIRMAN BURTON: I assume that when you went to
14 San Jose State it was a State College?

15 MR. FOSTER: It was a State College; that's
16 correct.

17 CHAIRMAN BURTON: Do you know how the State
18 College system became the State University system?

19 MR. FOSTER: No, I do not know that.

20 CHAIRMAN BURTON: Do you want to know?

21 MR. FOSTER: I do. Enlighten me.

22 CHAIRMAN BURTON: Assemblyman Captain Richard
23 Barnes, U.S.N. Retired, carried the bill for years and years.
24 He's from San Diego, and it was really just kind of, let's give
25 Captain Barnes a bill.

26 And then the next time he ran for re-election, he
27 claimed he doubled the size of the University system of
28 California and got beat by Larry Kapiloff, I might add. So, no

1 good deed goes unpunished.

2 I personally think that they are lucky to have
3 you there. I think your political experience around here, along
4 the same with, I think, Chancellor Reed, who combines academia
5 and political sense, helps, because too often the people
6 involved in the higher education don't quite get it.

7 One of the things I think is very important, and
8 when I went to State, which was still a college in the college
9 system then, and ours were basically state teachers colleges,
10 is, I think it's very important for the State Universities who
11 are turning out the teachers, that really they figure out better
12 ways to train the teachers to deal with what's going on today.
13 I think part of the problem with the educational system is that
14 a lot of the teachers in it were not adequately trained.

15 Questions? Senator Hughes. I'm sorry, Senator
16 Ayala.

17 SENATOR HUGHES: I heard Senator Knight, so I
18 yield to Senator Knight.

19 CHAIRMAN BURTON: I was going to yield to the
20 senior member of the Committee, Senator Ayala.

21 SENATOR KNIGHT: Well, shoot, go ahead, Senator
22 Ayala.

23 CHAIRMAN BURTON: Colonels understand RHIP;
24 right?

25 SENATOR AYALA: I only have one question.

26 What is your position as it pertains to
27 increasing student fees in your system? If you do increase
28 them, should a portion of that go back for student aid in terms

1 of financial assistance for the students to be able to
2 participate in the system?

3 MR. FOSTER: Senator, first of all, as you know,
4 I would do all I could to prevent increases in student fees. I
5 think the State University system is, I think, the most
6 accessible and affordable in the state. It ought to remain that
7 way.

8 You can't foreclose what might happen in the
9 future; you can't foreclose your options. But, I would tell
10 you, that would be a last resort to increase student fees.

11 There's been some success recently in actually
12 reducing fees. Love to see that continue, assuming there's
13 budgetary resources to do that.

14 SENATOR AYALA: Thank you.

15 CHAIRMAN BURTON: Senator Knight.

16 SENATOR KNIGHT: Thank you, Mr. Chairman.

17 I just was going to comment that my observation
18 of Mr. Foster must be that he's an outstanding individual
19 appointed or suggested nominee by the Governor, since he's a
20 Democrat. That speaks extremely high, so now I know why the
21 Chairman was so much in favor of Mr. Foster, so I would support
22 his nomination.

23 CHAIRMAN BURTON: Senator Hughes.

24 SENATOR HUGHES: Thank you very much,
25 Mr. Foster.

26 I appreciate the fact that you have worked these
27 halls, and you've been aware of the process extremely well.

28 How did you feel about the quality of instruction

1 that you got at California State University in terms of the
2 teaching methodology, since they're the ones who are supposed to
3 be the super teachers? Did you have super teachers there?

4 MR. FOSTER: Yes, I did. I recently had this
5 discussion with a friend of mine. I did my undergraduate work
6 at San Jose. I completed all my course work at the University
7 of California at Davis for a Ph.D., did not finish the degree.
8 So, I have some experience in that.

9 I've always maintained that the education at the
10 teaching level I had at San Jose was, I think, superior. And I
11 still keep in communication with some of the professors I had.
12 I thought it was a marvelous experience. They just were
13 outstanding.

14 SENATOR HUGHES: How did you compare that to your
15 experience at UC?

16 MR. FOSTER: I did have good teachers at the
17 University of California. I think -- and this tends to be a
18 cliché, but there is a greater emphasis on research at that
19 institution. And I think, to some degree, I think instruction
20 suffers a little bit from that.

21 SENATOR HUGHES: There is a lot of talk about
22 charter schools and people wanting to increase charter schools.

23 I have a bias that I think that a charter school
24 connected to a university can be more effective. And I know
25 that some of the CSU campuses have charter schools connected to
26 their universities.

27 Do you know anything about these charter schools,
28 and do you share that same kind of bias that I share, that they

1 have someone helping them and assisting them to meet their
2 goals? Or, as a new Trustee, are you going to be looking into
3 that?

4 MR. FOSTER: I do not have enough information on
5 that. I'm not fully apprised of the connection with charter
6 schools.

7 I will say one of the things that attracts me
8 about the State University system is the emphasis on the
9 connection with the K-12 system in general. We have a goal that
10 by 2007, to drop the current rate of students, incoming students
11 needing remedial training in math and English from nearly 50
12 percent to 10 percent. You cannot do that without clear
13 linkages to the K-12 system. It's vital. It's one of the four
14 things I mentioned as top priorities for the CSU system.

15 SENATOR HUGHES: Are you aware of the fact that
16 at Cal. State Dominguez Hills, they have a specialized high
17 school that deals with math and science that I was able to
18 create through some legislation a few years ago?

19 Do you think those specialized schools connected
20 with the university -- like Cal. State L.A., you have the High
21 School of Music and Art, and at Cal. State Dominguez Hills -- as
22 a Regent, would you be supportive of the expansion of other
23 specialized high schools with the University system?

24 MR. FOSTER: I believe that's consistent with
25 increasing the linkages between K-12, so yes, I would.

26 SENATOR HUGHES: The University of California,
27 one of the Regents recently proposed that ethnic studies be done
28 away at the University of California.

1 If this came before your Regents, Board of
2 Trustees, would you be for or against, or what would be your
3 thought on this topic?

4 MR. FOSTER: Well, I'd have to know why that was
5 being proposed, what the nature of it -- what the consequences
6 would be, really.

7 I haven't looked at that, and I have not heard
8 that proposed at the Trustee level.

9 SENATOR HUGHES: If it is proposed, what would be
10 your thoughts? How would you begin to evaluate it, one way or
11 the other?

12 MR. FOSTER: I'd have to give that some thought.
13 It's not something I've really thought of recently.

14 I'd like to know what the motivation is behind
15 removing the ethnic programs. I'm not very familiar with ethnic
16 studies. I'd like to know what the purpose of eliminating them
17 would be, how well they've operated until now, how well students
18 have done, where they've gone.

19 But I can't -- it seems to me that they were
20 created for some purpose, and to wholesale eliminate them, I
21 think you'd have to look very hard before you did that.

22 SENATOR HUGHES: Thank you very much.

23 MR. FOSTER: You're welcome.

24 CHAIRMAN BURTON: Senator Costa.

25 SENATOR COSTA: Mr. Roos wanted me to speak on
26 Mr. Foster's behalf.

27 MR. FOSTER: Is there any way we can stop that.

28 [Laughter.]

1 CHAIRMAN BURTON: Sergeant, could you see if
2 Erwin is around?

3 [Laughter.]

4 SENATOR HUGHES: I'd like to move the nomination,
5 and I'd defer to anyone else.

6 SENATOR LEWIS: Actually just one question.

7 I think I support your confirmation, but I just
8 have one question.

9 Do you now know or have you ever known Tommy
10 Ross?

11 MR. FOSTER: Actually, I have; I've known him.
12 And I want to say publicly now, I've never liked him.

13 [Laughter.]

14 SENATOR LEWIS: Move the confirmation.

15 CHAIRMAN BURTON: Any other questions Members of
16 the Committee? Call the roll.

17 Any support, opposition?

18 Senator Ayala.

19 SENATOR AYALA: There are 24 members?

20 MR. FOSTER: I believe that's correct.

21 SENATOR AYALA: And you're the only Democrat.
22 That's the right balance. I think it's about equal.

23 MR. FOSTER: I think Mr. Hauck is a Democrat as
24 well.

25 CHAIRMAN BURTON: You're a Democrat?

26 SENATOR KNIGHT: Yes, I thought that's why you
27 were supportive.

28 CHAIRMAN BURTON: I thought I was doing the

1 Republicans a favor.

2 Call the roll, please.

3 SECRETARY WEBB: Senator Ayala.

4 SENATOR AYALA: Aye.

5 SECRETARY WEBB: Ayala Aye.

6 SECRETARY WEBB: Senator Hughes.

7 SENATOR HUGHES: Aye.

8 SECRETARY WEBB: Hughes Aye. Senator Knight.

9 SENATOR KNIGHT: Aye.

10 SECRETARY WEBB: Knight Aye. Senator Lewis.

11 SENATOR LEWIS: Aye.

12 SECRETARY WEBB: Lewis Aye. Senator Burton.

13 CHAIRMAN BURTON: Aye.

14 SECRETARY WEBB: Burton Aye. Five to zero.

15 CHAIRMAN BURTON: Congratulations.

16 MR. FOSTER: Thank you, Mr. Chairman, Committee,
17 thank you.

18 [Thereupon this portion of the
19 Senate Rules Committee hearing was
20 terminated at approximately 1:37 P.M.]

21 --ooOoo--

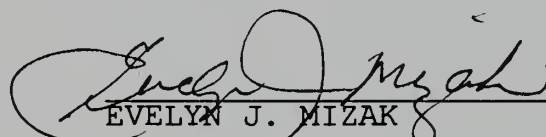
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California State University

SENATOR ADAM SCHIFF

MARIDEL M. MOULTON, Trustee
California State University

DOLORES JAQUEZ, Member
California Student Aid Commission

TED WEGGELAND, Member
Fish and Game Commission

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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: The first gubernatorial appointee we'll hear today is Alice Petrossian, California State University.

Senator Schiff.

SENATOR SCHIFF: Mr. Chairman, Members, it gives me great pleasure to introduce to you and ask your consideration for Alice Petrossian for appointment to the CSU Board of Trustees.

Alice came to this country at age nine from Iran. She was of Armenian ancestry, did not speak English, enrolled in the L.A. Unified school system, where she excelled. This began a long career and love affair with education.

After going through the Los Angeles Unified school system, she went on to community college in Los Angeles. She went on to the California State University system, earning her teaching credential. And then, not unlike our former Pro Tem, Senator Lockyer, began her career teaching in Hayward.

She distinguished herself very quickly as an educator, and earned appointments first to the statewide Commission on Teacher Credentialing by Governor Jerry Brown, later reappointed by Governor Deukmejian, and in 1992 was appointed by Governor Wilson to the Community College Board of Trustees, where she now serves as President of the governing board.

In 1997, she was appointed by Governor Wilson to the CSU Board of Trustees, and it's her confirmation that I want

1 to speak to and recommend today.

2 Alice is in the City of Glendale with the
3 Glendale Unified School District as an Assistant
4 Superintendent. She has distinguished herself, I think, not
5 only in our district and our community as a very fine educator,
6 but has in everything she has undertaken on a statewide basis.

7 She has, throughout her service in her statewide
8 positions, exercised a very strong degree of independence,
9 taking positions on many issues, many propositions -- such as
10 187, and 209, and 227 -- which often subjected her to very
11 strong differences of opinion, not only within her own party,
12 but often among a majority of folks in the state. That did not
13 prevent Ms. Petrossian from expressing her view on the issues or
14 her mind of what she felt was in the best interests of children
15 and education.

16 And it's because of that independence of
17 judgment, it's because of her record of service in the district,
18 that I have borne the indulgence of our Chair, repeatedly coming
19 to see you. And Senator Burton, I really appreciate your time
20 on this.

21 I'm pleased today to make an unqualified
22 recommendation of Alice Petrossian for the CSU Board of
23 Trustees.

24 MS. PETROSSIAN: I'd like to thank my
25 distinguished Senator. He has in a short time won the hearts of
26 many Glendalians and has become a friend.

27 We don't politically always agree, but that's
28 part of the beauty of it, and that's part of the beauty of our

1 democracy, is that we can still be friends and agree where we
2 can, and disagree when we need to.

3 He has been truly a supporter in this process, as
4 have other Senators, including a very strong vote of
5 appreciation to Senator Dede Alpert for her support in this
6 process. She is also another good friend.

7 This has been an exciting time. I was not
8 expecting to be appointed to the CSU Trustees. I had finished
9 my time with the California Community Colleges, serving eight
10 years, and said that it was time for me to return to my
11 district, where I had just been promoted as Assistant
12 Superintendent.

13 And a Governor that I respect greatly, Governor
14 Wilson, who has been more than a friend, even when we didn't see
15 eye to eye, he continued to support me and be the true gentleman
16 that he is, listen to my perspective, give me his and say, we
17 agree to disagree. It's certainly a man I respect greatly and
18 have had the privilege of serving for the last two terms that he
19 has been in office.

20 He said if I wouldn't mind, he was moving me on
21 to the CSU system for a number of reasons. The first he
22 expressed very strongly was having to do with the K-12 system.
23 Since the CSU issues will be mostly working with the K-12 system
24 and teacher education issues, and my background from K-12,
25 working there daily, as well as my background with the
26 Commission on Teacher Credentialing, provides me the insight to
27 being supportive on credentialing issues and working with
28 teacher education, I looked forward to that.

1 He also said that he felt very strongly that he
2 needed someone who was in the field daily, practicing, knowing
3 what it is we needed to do, and how it was we could improve the
4 teacher preparation arena, and what could be done in the areas
5 of partnership.

6 Well, being every day in the wonderful Glendale
7 Unified School District, the ninth largest limited English
8 proficient school district, with over 70 percent of the children
9 coming from diverse backgrounds, is an experience that I have
10 professionally gained from.

11 Last but not least, the CSU and community college
12 system have needed an opportunity to articulate. Having served
13 on that Board, the Governor felt that the articulation and the
14 knowledge that could be brought by having the transition of one
15 board member to the next board would be extremely valuable.

16 With that, I'd like to say that it has been a
17 tremendous opportunity to serve both systems who helped an
18 immigrant child, a very poor immigrant child, succeed and sit
19 before you today. And I'm proud of those opportunities. It
20 could not have happened without the California Community College
21 system, and the California State University system.

22 And if I can help bring those kinds of
23 opportunities to students from all walks of life and make it
24 better for them, the way it's been for me, I would be very proud
25 to serve.

26 CHAIRMAN BURTON: Senator Hughes.

27 SENATOR HUGHES: Good afternoon. How are you,
28 Alice?

1 MS. PETROSSIAN: Just fine.

2 SENATOR HUGHES: From the experience that you
3 had, you were a Chair of the Commission for Teacher
4 Credentialing, what kind of insight did you have that you could
5 bring to bear as you become a Trustee for the State University
6 system that train 90 percent of the future teachers of our
7 state?

8 What regulatory things does the Commission do
9 that helps or hinders people? Because we have a great shortage
10 of qualified, credentialed teachers.

11 Could you shed some light as a Trustee what you
12 would do in that regard?

13 MS. PETROSSIAN: I believe the Board has already
14 started a tremendous review of the whole teacher preparation.
15 There was a wonderful report called "The President's Report".
16 There are other studies. Certainly, Senator Hart's work in this
17 area has shed a great deal of light.

18 In California, we have basically two options.
19 Given the shortage, we can take -- as you well know, and I know
20 this is your background, so I feel like I'm talking to an expert
21 on this -- but we can either take emergency credentialed
22 teachers, someone who has a college degree and a C-BEST, and
23 fingerprinted, and walks into the classroom, and has very little
24 pedagogical knowledge.

25 That's like having a pilot, who's never flown a
26 plane, decide to fly my plane. And I sure don't want to be
27 riding on that flight.

28 I'd rather see us become more flexible with

1 credentialing regulations and allow the university to look at a
2 four-year option direct BA. Look at any number of options that
3 have been recommended by the system themselves in order to
4 provide some level of pedagogical knowledge before the student
5 walks in the classroom and tries to teach phonics, or tries to
6 teach reading comprehension, or tries to prepare our children as
7 the Standards Commission, which I've also had the privilege of
8 serving on, has had, to have students ready for algebra and math
9 in seventh and eighth grade.

10 If teachers themselves are not prepared to
11 deliver the course of study, then students will never reach the
12 standards we have in mind for California.

13 But in order to get some level of preparation,
14 the Commission, which I've given a whole lifetime to -- as you
15 well recall. We worked together on it ten years -- I believe
16 needs to now meet the flexibility and allow the university
17 system to make some judgment calls as to what is best versus
18 putting someone without any education in the classroom beyond a
19 BA.

20 SENATOR HUGHES: What value or worth do you feel
21 that ethnic studies has, if any, in the State University system,
22 since some Regents of the UC system are now questioning that.
23 If this issue comes before the Trustees, what will be your
24 position?

25 MS. PETROSSIAN: Senator Hughes, I think you know
26 my track record. I believe very, very strongly --

27 SENATOR HUGHES: I'm asking you the same question
28 I asked the last Trustee that was before us. This was not

1 targeted at you.

2 MS. PETROSSIAN: All right, fine.

3 Not having been here, I didn't know that. All
4 right.

5 I feel very strongly that study of anyone's
6 history and culture only enhances our knowledge in an economic
7 global society that we need to be competitive in. And if
8 there's an opportunity to study the culture of those members of
9 our citizenship, whether it be Hispanic, African-American,
10 Asian, or anyone else, that would enhance our knowledge of how
11 to work together and live in a very peaceful state, I believe
12 ethnic studies can provide that.

13 I do not believe in ethics studies that would
14 call for division and bring about a concern about, are we one,
15 and can we work as one.

16 But I believe the identity of each culture is
17 important, and for us to have that knowledge will be extremely
18 valuable. And I would study -- I would support ethnic studies.

19 SENATOR HUGHES: What about charter schools?
20 There are couple of charter school programs that are tied to
21 individual campuses of the California State University system.

22 How do you feel about those?

23 MS. PETROSSIAN: I think that the University
24 system, CSU specifically, has had a long track record of working
25 with and helping the K-12 system, not only by producing its
26 employees, but by also giving role models, such as Cal. State
27 L.A. in the arts, Dominguez Hills in the math and science.
28 Those are outstanding role models of partnership. And I believe

1 the system needs, with all the expertise and knowledge that
2 exists there, and all the research that goes on, needs to be a
3 partner with the K-12 system.

4 SENATOR HUGHES: Since Cal. State L.A. is your
5 alma mater, what do you think of the charter school affiliated
6 with Cal. State L.A?

7 MS. PETROSSIAN: I think it would be a superb
8 idea to work with those partnerships, and I know that both the
9 President and the Dean have already begun work in that arena and
10 are proud to say, now, look at the downtown school that's about
11 to be established.

12 My issue would be rigorous curriculum so that
13 students in that area would have an absolute equal access to the
14 highest universities in the state and the nation, so it would be
15 what we provide there. And I think with the partnership with
16 CSU, that would be available because of the wealth of knowledge
17 that is there.

18 SENATOR HUGHES: What do you think of
19 free-standing charter schools? I have little or no problem, and
20 I'm just relating my biases, with the charter schools tied into
21 universities, because I think universities provide oversight and
22 guidance.

23 What do you think of other free-standing charter
24 schools?

25 I'm asking you this as an educator.

26 MS. PETROSSIAN: All right.

27 I believe that the K-12 is overly regulated. I
28 supported Governor Wilson in trying to deregulate the K-twelve

1 system.

2 I'm not very tall, but when I stand up, and you
3 match the Ed. Code, and it's taller than I am, I have a real
4 problem with that.

5 I think there's a lot of code that is
6 unnecessary. And if we're saying to charter schools that you no
7 longer have to follow those Ed. Codes, I'd like to see us expand
8 that and say, if these Ed. Codes are unnecessary, let's apply it
9 to all schools.

10 If they're necessary, then let's apply it to --
11 you know, for the safety of children, finger printing of
12 employees, et cetera, safety and security of children has got to
13 be utmost.

14 But I believe that anywhere where a partnership
15 can be developed with the CSU system -- and if the UCs were
16 willing to develop a partnership that would be outstanding --
17 then that's where it ought to be, because in any venture, a
18 number of partners make it successful.

19 And higher education partnership can serve a
20 number of ways. It can serve as a role model for the children
21 who attend there. They can begin to say, I can make it there; I
22 can go to college. And since a number of our charter schools
23 are working with the at-risk and the underprivileged in our
24 state, it would be an excellent opportunity for them to have
25 these partnerships.

26 And I would say charter schools are great, but
27 since those regs are not applicable to them, I'd like to see
28 those rules apply to every public school in the state.

1 SENATOR HUGHES: Thank you.

2 CHAIRMAN BURTON: Senator Lewis, thank you.

3 SENATOR LEWIS: I just wanted to ask you, one of
4 the things we've been hearing in the last several years about is
5 the difficulty of obtaining classes needed to get a degree.

6 Do you sense that there's some improvement
7 there?

8 MS. PETROSSIAN: A couple of things.

9 Yes, there's been slight improvement, but I will
10 not say to you, looking at the data and listening to our new
11 Chancellor, who has strong commitments, specifically in the area
12 of getting classes for teacher education.

13 What we're seeing is, we need to enhance the
14 opportunity for all those who want to enter the system, to give
15 them the right to have course work.

16 Recently reading articles, including comments by
17 our own new Chancellor Reed, that talked about extending the
18 school year, nothing stops the CSU system from having a totally
19 year-round year, given the need and the increased need for
20 capacity. Nothing stops us from having weekend courses.
21 Nothing stops us from using the day fully, from 7:00 A.M. to
22 10:00 P.M. if necessary, the way most community colleges have
23 now gone on because of a shortage of facilities.

24 There's no way with brick and mortar that the
25 state is going to meet the needs, facility needs. As much as we
26 do, and I hope the bond does get on very soon, but even with
27 that, we are going to need to have facilities and faculty that
28 are full-time to meet the needs of the students so that they can

1 graduate.

2 The longer, Senator, we keep a student within the
3 system, the more the taxpayer has to invest in that student.
4 And it would behoove us to work in a schedule that would allow a
5 student to graduate at a pace that is valuable, both to the
6 student, who then becomes, hopefully, an employed member of our
7 society and pays taxes, as well as, is not continuing just to
8 take courses to be taking courses within a system.

9 So, I have strong feelings, and I believe our
10 Chancellor and Board have already gone on record talking about
11 looking at the way to provide more support.

12 The key is access. I have a strong feeling that
13 everyone who is interested in higher education should have equal
14 access to those courses so that they can meet their ultimate
15 goal.

16 CHAIRMAN BURTON: I imagine schools can stay open
17 until 10:00 o'clock. When I went to State College, I took
18 classes from 7:00 to 10:00, so I'm missing something here.

19 MS. PETROSSIAN: No, there are courses that do
20 occur in that time line, but there are also -- well, now, what
21 I've been told is that the CSU average age and number of
22 campuses is 28 years or slightly that. You know, people who are
23 employed, and they would need more courses offered at flexible
24 hours so they can continue their employment in order for them to
25 have.

26 When I went to college too, sir, at Cal. State
27 L.A. the options of courses in the evening were limited. They
28 were courses -- many of our campuses are open that late. But I

1 think it's important to know what are the greatest need courses
2 and offer those courses so that people can meet --

3 CHAIRMAN BURTON: Isn't that something any campus
4 could do now, or do they need some action by the Trustees?

5 MS. PETROSSIAN: They can do it now, sir. It's
6 just again, there's some funding issues.

7 CHAIRMAN BURTON: There's been a problem between
8 the professors and Trustees, I guess, for want of a better word,
9 when they were discussing compensation. I think it took a
10 meeting in my office with Chuck Reed to try to get things
11 moving.

12 You haven't been on the Board, so you wouldn't be
13 aware.

14 MS. PETROSSIAN: No. I've had the privilege of
15 attending three Board meetings, and I'm not on the Compensation
16 Committee.

17 But faculty are extremely valuable. They are the
18 heart of the system, and we need to work together make sure we
19 retain the best in competition with private sector or private
20 institutions.

21 CHAIRMAN BURTON: One of the concerns, at least
22 that some of the Members on this Committee have, and it's, as I
23 understand, that you were appointed exactly when?

24 MS. PETROSSIAN: December.

25 CHAIRMAN BURTON: December, so your term runs
26 through December of this year.

27 MS. PETROSSIAN: That's right.

28 SENATOR HUGHES: January 2nd of '99.

1 MS. MICHEL: Her term goes to 2005.

2 CHAIRMAN BURTON: One of the concerns that we
3 have, by and large, is looking at a lame-duck Governor, looking
4 at terms that will run far into the term of a new Governor, be
5 it Gray Davis or Dan Lungren, that it would be at least my
6 thought, and there's several people within that category, is to
7 have the hearings, to without prejudice hold them in the
8 Committee, and then try to figure out exactly which way we would
9 go on a lot of these individuals.

10 I don't know if Lieutenant Governor Davis was
11 Governor, whether he would appoint you. Given some of your
12 background, he might well. I assume Dan Lungren might or might
13 not.

14 But we are somewhat loathe to be jumping into the
15 next Governor's position on some of these appointments.

16 So, it would be any that are not actually moved
17 out of Committee today or at the next meeting, it's not without
18 prejudice, the fact that we have time to move them out in the
19 future if the Committee does that, because we do have a lot of
20 time before your one-year time is up.

21 We have speakers in support, please?

22 We do have letters.

23 MS. PETROSSIAN: Just some friends, close
24 friends.

25 CHAIRMAN BURTON: And we do have letters of
26 support from Senator Russell, Senator Solis, Senator Alpert,
27 Association of School administrators, and the Southern
28 California Gas Company, Michael Murray, Director, State Agency.

1 Senator Hughes.

2 SENATOR HUGHES: Well, I think that Ms.
3 Petrossian has proven her worth, and she has two good
4 possibilities that she might be reappointed, whether it's a
5 Democrat or a Republican.

6 Number one, because, as I remember, you were
7 appointed by Jerry Brown. And as I remember, Gray Davis was his
8 Chief of Staff. So, Gray knows you, I would imagine.

9 And number two, I'm certain that Dan Lungren, if
10 he has met anybody in education, he should have met you, and he
11 would know you, too.

12 And the date that I was correcting, you are not
13 finished with your appointment in December. You have until
14 January the 2nd.

15 So, it seems to me as though you do have time
16 after this election period is over. Either one of your two
17 friends who would sit in the front office could appoint you, and
18 the same thing would be true of anyone else who would be up for
19 an appointment to the Trustees at this time.

20 MS. PETROSSIAN: I understand that. It makes it
21 very difficult, as you know, to operate. That makes those of us
22 in this situation more or less lame duck in working within our
23 systems to make a difference. That puts us a year of, well, is
24 she going to be confirmed or not; do we put her on a committee
25 or not.

26 And my plea would be that that makes it very
27 difficult for good people to operate.

28 SENATOR HUGHES: But it also deprives a new

1 Governor from making his own appointments.

2 So, I would move that we leave this alone at this
3 time. I don't think there's an urgency.

4 CHAIRMAN BURTON: Call the roll.

5 SECRETARY WEBB: Senator Ayala.

6 SENATOR AYALA: Aye.

7 SECRETARY WEBB: Ayala Aye.

8 SECRETARY WEBB: Senator Hughes.

9 SENATOR HUGHES: Aye.

10 SECRETARY WEBB: Hughes Aye. Senator Knight.

11 SENATOR KNIGHT: No.

12 SECRETARY WEBB: Knight No. Senator Lewis.

13 Senator Burton.

14 CHAIRMAN BURTON: Aye.

15 SECRETARY WEBB: Burton Aye. Three to one.

16 CHAIRMAN BURTON: Without prejudice, it's still
17 before the Committee.

18 MS. PETROSSIAN: Thank you.

19 SENATOR AYALA: Mr. Chairman, may I just add that
20 it isn't anything to do with her qualifications, other than it's
21 politically motivated in many ways, that we don't want to have a
22 lame-duck Governor appointment.

23 I want to say I am impressed with your background
24 and your capability to do the job.

25 MS. PETROSSIAN: I've been proud, sir. Thank
26 you. I'm proud of serving Governor Wilson and CSU.

27 CHAIRMAN BURTON: Maridel Moulton.

28 MS. MOULTON: Good afternoon, Mr. Chairman,

1 Members of the Senate Rules Committee.

2 I appear before you today to ask your support to
3 recommend to the full Senate my confirmation as a Trustee of the
4 California State University.

5 I'm an honors graduate of San Diego State
6 University and deeply proud to be an alumna of that campus and
7 of the California State University system.

8 I have demonstrated virtually throughout my
9 entire life a long-standing commitment to public education.
10 Serving first as a coordinator of volunteer programs in my
11 children's elementary schools, in 1977 I was first elected to a
12 position as a trustee of a K-8 school district in Moraga,
13 California, where I served twice, two terms in office.

14 Following that, I joined the Board of Directors
15 of an organization called Ed Source, which deals with K-12
16 policy issues in education. I served in that organization for a
17 decade, two years as its president.

18 I was first appointed to the California Student
19 Aid Commission by Governor Wilson in February of 1992. I began
20 serving in March of 1993, and I was confirmed by the Senate in
21 February of '93. I was reappointed in 1994, and I appeared
22 before Senate Rules for a confirmation hearing because I was
23 then Chairing the California Student Aid Commission. Senate
24 Rules and the full Senate again confirmed my appointment.

25 I had the opportunity to lead the Commission
26 through several turbulent years to a revitalized position of
27 respect and effectiveness in meeting the mission of providing
28 important financial access to higher education.

1 During my tenure as Chair, the Commission
2 resolved serious issues with our technology, which has resulted
3 in significant audit findings. We settled a \$62 million lawsuit
4 against the Federal Department of Education, and more
5 importantly, rebuilt a strong, productive working relationship
6 with that department. We reduced loan insurance premium rates
7 for students in California, significantly increased our market
8 share in business, and raised our service satisfaction levels to
9 historic highs with the schools and universities. And we
10 created, with the support of the Governor and the unanimous
11 support of the California Legislature, a nonprofit outcome-based
12 entrepreneurial corporation within a state agency.

13 I stand on my record of service to public
14 education. You can expect from me a high level of
15 responsibility in serving, focus on our mission, commitment to
16 our students, independent thinking, consensus building skills,
17 and a willingness to be held accountable for outcomes.

18 We stand at an important and exciting time at the
19 CSU. And the CSU will continue to be a vital contributor to
20 California's future, through our commitment to providing access
21 and excellence in education for the student graduating from high
22 school and for the student returning later in life, through our
23 teacher training programs, through the utilization of new
24 strategies and distance learning, and through finding new ways
25 to do our work with increased effectiveness and efficiency.

26 I'm unabashedly eager to contribute to that
27 future. And I'm happy to answer any questions that you may
28 have, and I ask for your confirmation of my appointment.

1 CHAIRMAN BURTON: Senator Hughes.

2 SENATOR HUGHES: I think you were probably
3 present when I asked Ms. Petrossian some questions.

4 Let's go to the beginning about how you feel
5 about teacher training programs at the State University system,
6 and how you would like to see them changed or remain the way
7 they are.

8 MS. MOULTON: Senator Hughes, I think my
9 experience as a trustee of a K-8 school district gave me the
10 opportunity to see the product of those training systems.

11 I would concur with Trustee Petrossian in her
12 statement that we have, as a system, taken a very aggressive
13 position to improve our programs, and largely through
14 partnerships in working with the schools where these teachers
15 actually work.

16 I've been a participant at three Trustee
17 meetings, and I believe I've heard over and over that the
18 opportunity is for us to work perhaps in different ways, perhaps
19 earlier with teachers, rather than holding all of their teacher
20 training to their fifth and graduate year, to have more
21 established partnerships with local school districts so that the
22 cross-over between training and actual practice of teaching is
23 strengthened.

24 I would support any and all of those strategies.
25 We have an important mission to train the teachers of tomorrow,
26 and I think we need to continue to find new and better ways to
27 do that.

28 SENATOR HUGHES: The University of California

1 always brags about their outreach programs. And having taught
2 at the State University system, I know that the State University
3 has outreach.

4 What outreach programs are you aware of that the
5 University system has, or what new ones would you like to see
6 come about?

7 MS. MOULTON: Again, we have a very, very strong
8 track record at Cal. State University for significant outreach
9 programs. They're an important part of our mission.

10 I also, Senator Hughes, have experience from the
11 California Student Aid Commission with the Cal. SOAP program.
12 The first year I spent on the Commission, I was the liaison from
13 the Commission to the Cal. SOAP programs. So, I think I have
14 learned over the years the value of trying to reach out to
15 students, irrespective of even their culture or ethnic identity
16 or gender, to encourage anyone who is capable and interested in
17 pursuing higher education to do that.

18 I think the one interesting thing is that there
19 are many, many outreach programs throughout UC, CSU, the
20 community colleges, the high schools. If anything, I would
21 encourage us talking with each other about those programs so
22 that we don't duplicate efforts, but indeed, consolidate our
23 efforts for stronger impact in that area.

24 SENATOR HUGHES: Do you think that ethnic studies
25 should continue to be options that students would have at the
26 State University system? Do they have any worth, any value?

27 If this is ever brought up before the Trustee
28 Board when you are a member, what will be your stance?

1 MS. MOULTON: My approach to understanding any
2 kind of a problem like that would be to first ask our staff for
3 an analysis of our current existing programs, what their purpose
4 is, and what their outcomes are in terms of measuring it.

5 I studied both Latin and Spanish in high school
6 as a graduate of San Diego High School in San Diego, and I
7 studied Spanish in college.

8 I think it's difficult to understand the language
9 without understanding the context of the culture. I believe
10 there's benefit in doing that.

11 But truthfully, I haven't had any experience in
12 my three Trustee meetings with understanding specifically our
13 ethnic studies programs, so I would turn to our faculty and our
14 academic affairs professionals to do an evaluation, if there are
15 questions raised about those programs.

16 Personally, I think the more that we can learn
17 about each other -- and that's broader. If I were to study the
18 California Legislature, I would not just study the bills that
19 you pass out. I would want to know about the history and the
20 context in which you work. So, I think there's value to that.

21 SENATOR HUGHES: What are your views about the
22 charter schools, especially those charter schools that are
23 affiliated with the State University system?

24 MS. MOULTON: I will tell you that I am not
25 overly familiar with the specifics of which charter schools are
26 particularly affiliated with the CSU. You mentioned the program
27 at Cal. State Los Angeles.

28 I believe charter schools were created to give

1 both parents a stronger level of involvement, and I actually
2 support that. The research over the years has shown that parent
3 involvement is really a critical, important part of a student's
4 outcome in learning.

5 I haven't actually had the opportunity to
6 evaluate the specific programs that we're affiliated with, but I
7 can't imagine how a charter school of any sort could not be
8 helped by a close affiliation with a university that trains
9 teachers. I would think the expertise would obviously be an
10 asset to that school.

11 But I honestly can't speak specifically to an
12 evaluation of the two programs you mentioned, because I haven't
13 had any opportunity to discuss those as a Trustee.

14 SENATOR HUGHES: I want you to know, I have a
15 deep bias in favor of them affiliated with the university.
16 That's a difference. I think because the professors who are
17 training teachers are right there on the campus, and they --

18 MS. MOULTON: Right.

19 SENATOR HUGHES: -- and they can correct, help,
20 assist where ever they might do so.

21 Thank you very much.

22 MS. MOULTON: Thanks, Senator Hughes.

23 CHAIRMAN BURTON: Ms. Moulton, we're in the same
24 situation with you as we were with Ms. Petrossian. We have a
25 Governor who's going out of office making an appointment. We're
26 being asked basically to appoint into a future Governor's term
27 someone whose resume we have, but whom I don't think any of the
28 Members of the Committee know, except maybe your local

1 Legislator might.

2 There was a concern raised about the fact that we
3 did appoint, in fact, sent out with a recommendation,
4 Mr. Foster. I think the situation there was, every Member of
5 both Houses of the Legislature have worked with him. I've
6 worked with him for a period of at least ten years. We knew his
7 record; we knew his background, and even surprisingly, as
8 Senator Ayala dragged out of him, if confirmed by the whole
9 Senate, I guess he'll be the only person on the Board of
10 Trustees representing his political party, and Mr. Lewis was
11 concerned about somebody that he knew.

12 Was that the guy, or was it somebody else? It
13 was the other guy.

14 So anyway, it's without any prejudice to you, but
15 what we're planning to do with appointments that go into the
16 next gubernatorial term is to not send them out. I believe your
17 date was what, Nancy?

18 MS. MICHEL: December 19th.

19 CHAIRMAN BURTON: December 19th, which also means
20 there is time for reflection. It isn't like somebody's term
21 ends up tomorrow.

22 So, that's basically what our policy is going to
23 be on most appointments that are going into the Governor's
24 term.

25 Are there witnesses in support? Come on up,
26 please.

27 MS. JAQUEZ: Good afternoon, Senator Burton and
28 Members of the Senate Rules Committee. My name is Delores

1 Jaquez, and I am a Senate Rules appointee to the California
2 Student Aid Commission.

3 I am here to speak on behalf of Ms. Maridel
4 Moulton's appointment to the California State University
5 Trustee.

6 I recommend Ms. Moulton without reservations. I
7 have been a member of the Commission for over three years, and
8 Ms. Moulton was the chairperson for the first two years.

9 The Commission achieved an immense amount with
10 Ms. Moulton's participation as a member of the Commission as
11 well as our leader. In those two years as Chair, she led us
12 through bringing better services to students in schools,
13 reduction of insurance fees to students, thus lowering the cost
14 of aid, and taking the delivery of services closer to the
15 students.

16 The students of California and the financial aid
17 community of the state are better for having had her as a member
18 of the Commission.

19 I urge you to confirm Ms. Moulton as a California
20 State University Trustee so that her immense talents will
21 continue to benefit the students attending the California State
22 University system, and ultimately, California.

23 Thank you.

24 CHAIRMAN BURTON: Thank you.

25 Any opposition?

26 Senator Hughes.

27 SENATOR HUGHES: Well, Ms. Petrossian's date is
28 January the 2nd. Your date is December the 19th.

1 We will be meeting in early December, so that we
2 will have an opportunity to vote on both of the Trustees prior
3 to their expiration dates.

4 So, I think if I can make a motion for someone
5 whose quality of work I know extremely well over a period of
6 time, what's fair for the goose is fair for the gander. I think
7 it's only appropriate that both of these Trustees not have a
8 decision made on them until December.

9 Unless this body, someone, wants to move
10 otherwise, I would move that we hold both of these.

11 CHAIRMAN BURTON: Senator Lewis.

12 SENATOR LEWIS: Mr. Chairman, I just want to say
13 that I've been extremely impressed with yourself and
14 Ms. Petrossian. I'm sorry that the timing is what it is. This
15 happens, I presume, every four years.

16 But I just want you to know that I think you've
17 answered these questions in a very articulate manner. The
18 service that you're providing is very much appreciated, and I
19 hope that in December, we'll have the ability to vote yes and to
20 confirm.

21 MS. MOULTON: Thank you, Senator Lewis.

22 SENATOR HUGHES: And I want to make it for the
23 record, I have nothing against you. Just merely that I didn't
24 know you before should not prejudice me, and does not prejudice
25 me.

26 I was extremely pleased with your articulate
27 manner. Your knowledge and your experience on the Student Aid
28 Commission is wonderful background for being a Trustee.

1 And the same thing is true of Alice Petrossian,
2 whom I know extremely well.

3 So, just the fact that we haven't known each
4 other for ten years should not prejudice this Committee's
5 judgment, and I think it is only fair to both of you, and fair
6 to the Members of the Committee, that we delay it at this time.

7 CHAIRMAN BURTON: Call the roll.

8 SECRETARY WEBB: Senator Ayala.

9 SENATOR AYALA: Aye.

10 SECRETARY WEBB: Ayala Aye.

11 SECRETARY WEBB: Senator Hughes.

12 SENATOR HUGHES: Aye.

13 SECRETARY WEBB: Hughes Aye. Senator Knight.

14 SENATOR KNIGHT: No.

15 SECRETARY WEBB: Knight No. Senator Lewis.

16 SENATOR LEWIS: No.

17 SECRETARY WEBB: Lewis No. Senator Burton.

18 CHAIRMAN BURTON: Aye.

19 SECRETARY WEBB: Burton Aye. Three to two.

20 CHAIRMAN BURTON: Ted Weggeland.

21 MR. WEGGELAND: Yes, Mr. President Pro Tem.

22 Mr. Chairman, Members, I'm Ted Weggeland, and I'm
23 here before you today as a Commissioner of the California Fish
24 and Game Commission.

25 Some of you have known me for few years as I
26 represented the 64th Assembly District, the Riverside area,
27 between 1992 and 1996 before leaving the Legislature to pursue
28 more time with my family and to pursue another career.

1 My dates are third week in October.

2 I received a phone call from the Governor's
3 Office, it must have been last August or September, and was
4 asked if I was interested in serving on this Commission. I told
5 them at the time that, while I was interested in doing it, I was
6 hoping to spend more time with my family and to pursue my
7 business career, and wasn't sure if it was feasible.

8 Then, a few weeks later, I received another phone
9 call. They asked me if I would please consider it again. I
10 told them I would consider it.

11 And after several conversations with a number of
12 different friends of mine from Sacramento and other places, I
13 decided to go ahead and pursue the Commission appointment.

14 I did so for couple of reasons. Number one, it's
15 a limited term. I'm fulfilling the term of two other individuals
16 who weren't confirmed. So there is, I think, approximately
17 two-and-a-half years left on the term as it is right now.

18 So, it's an opportunity to get involved in public
19 policy again, and try to contribute in a meaningful way, two
20 days a month, and then with the studying and research, a few
21 more than that, but it wouldn't take too much of my time, at
22 least as Legislature did.

23 The other reason I wanted to do it is because of
24 the increase in importance, I think, of preserving our
25 environment and preserving the wildlife in the State of
26 California.

27 I spent my youth growing up in Southern
28 California and hiking in the high Sierra. In fact, that picture

1 is fairly familiar to me. I have an appreciation for the
2 environment, for the fish, and for the wildlife that we have to
3 protect.

4 I have to say in all candor that it's been
5 increased recently, you know, as I have a young son, four years
6 old, and a daughter who's two years old, whom I hope to take out
7 hiking and camping so they can appreciate California and its
8 wildlife and its environment.

9 So, I thought this would be an opportunity to
10 serve for a couple of years and give the State of California the
11 benefit of, I think, reasoned thought and contribute in a
12 positive way towards the Commission and preserving our natural
13 habitat and wildlife.

14 So, I'm here before you.

15 CHAIRMAN BURTON: What I'd like to do, Members,
16 with this nominee, instead of bringing it to a vote today, to
17 see if we can arrange something.

18 I've served with Ted and consider him a decent
19 guy. As I look at his voting record here, I'm absolutely --

20 SENATOR LEWIS: I think he looks kind of
21 moderate.

22 CHAIRMAN BURTON: Yeah.

23 MR. WEGGELAND: I'm more likely to get your vote
24 than John's.

25 CHAIRMAN BURTON: I gave him Super Bowl tickets.

26 MR. WEGGELAND: That's right, you did; thank you.

27 CHAIRMAN BURTON: So what I'd like to do, Ted, is
28 put this over. See if we can set up some meetings, and I'd be

1 happy to use my staff, with my staff and the opposition, and
2 see, you know, what can be done.

3 Basically, I'm flying in the face of
4 constituency, but I would like to do that. As you say, it's a
5 shorter shot than the Trustees and the others.

6 Instead of bringing it to a vote and holding it,
7 with permission of the Committee, we'll just kind of let it stay
8 here, and I'll try to get Mary Shallenberger and just see what
9 can be worked through. Then you can always come back and take a
10 shot.

11 But I'd just as soon not have it held in the
12 Committee, if that's all right.

13 Senator Ayala.

14 SENATOR AYALA: We could also put him on the
15 Floor without a recommendation. Either way, I'll go along you
16 with you.

17 However, I was looking at your voting record,
18 Ted, and I think I voted with you every time. So, as far as
19 these environmentalists who are opposing you, they would have
20 probably opposed me, too, if they could.

21 I noticed the votes, and I think I voted with you
22 every time, the same as you did.

23 CHAIRMAN BURTON: I thank God you're not up for
24 something.

25 [Laughter.]

26 SENATOR AYALA: I know I won't be appointed to
27 Fish and Game when I get out of here.

28 CHAIRMAN BURTON: Anyway, what I'd like to do is

1 just do that, then follow through.

2 MR. WEGGELAND: Thank you very much. I
3 appreciate the opportunity.

4 [Thereupon this portion of the
5 Senate Rules Committee hearing was
6 terminated at approximately 2:15 P.M.]

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CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of June, 1998.


EVELYN J. MIZAK
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APPEARANCES

MEMBERS PRESENT

SENATOR JOHN LEWIS, Vice Chair

SENATOR RUBEN AYALA

SENATOR TERESA HUGHES

SENATOR WILLIAM KNIGHT

MEMBERS ABSENT

SENATOR JOHN BURTON, Chair

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NANCY MICHEL, Consultant on Governor's Appointments

WADE TEASDALE, Consultant to SENATOR LEWIS

FELICE TANENBAUM, Consultant to SENATOR HUGHES

ANDY PUGNO, Consultant to SENATOR KNIGHT

ALSO PRESENT

GRACE T. DANIEL, Member
Agricultural Labor Relations Board

ROBERT VELLANOWETH, Member
Youthful Offender Parole Board

MARY E. McDONALD, Member
Agricultural Labor Relations Board

JOHN D. SMITH, Member
Agricultural Labor Relations Board

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SENATOR LEWIS: We'll proceed to Governor's appointees appearing today. Let's begin with Grace Daniel.

MS. DANIEL: Good afternoon.

SENATOR LEWIS: Welcome to the Committee.

MS. DANIEL: Thank you, Mr. Chairman and Members of the Senate Rules Committee.

I am Grace Trujillo Daniel. Thank you for giving me this opportunity to be with you today to answer any questions you may have.

As you know, I was appointed by Governor Pete Wilson to the Agricultural Labor Relations Board last August to a term that's going to expire this December, December of this year.

When I took my oath of office, I pledged to uphold the Agricultural Labor Relations Act and to protect the collective bargaining rights of all agricultural employees.

Because each season California growers rely on farmworkers to plant, grow, and harvest crops to feed this nation, and because farmworkers rely on growers for their economic well being, the Agricultural Labor Relations Act is a significant piece of legislation that must be judiciously enforced in a timely and sensitive manner.

For these reasons, my goal as a Board Member has been to explore ways to improve and strengthen this process, to protect the important symbiotic relationship between the farmworkers and the growers.

1 To better understand how to reach out to the
2 agriculture community and to ensure that the voice of the
3 farmworker was heard, I welcomed the opportunity to hold
4 hearings throughout the state in November. Not being satisfied
5 with the information that was presented to me, I, along with
6 other Board Members, voted to expand these hearings so that it
7 could include state and federal expert testimony from the
8 academicians, demographers, and agencies that regularly interact
9 with farmworkers, agencies such as the Employment Development
10 Department, Cal-OSHA.

11 These agencies that we asked their expert
12 testimony included people from the -- agriculture economists,
13 from the California Rural Institute, all the people that we know
14 that study farmworkers and agriculture that that have an
15 interest in the State of California.

16 In conclusion, Senators, it is important for you
17 to know that I strongly believe that work is a noble cause. And
18 when we are dealing with people's livelihoods, that we -- as we
19 do in the Agricultural Labor Relations Board, we must be
20 diligent to ensure that every effort is made to protect the
21 rights of each individual as prescribed by this Act.

22 I, like the farmworker, am an immigrant who came
23 to this country and worked in the fields to help my family. I
24 personally understand the struggles and the sacrifices that are
25 made every day for people who come to this great country seeking
26 a better life.

27 And because this is a country of law, laws that
28 protect and respect each individual, regardless of social and

1 economic status, it is my hope that in my service on the
2 Agricultural Labor Relations Board this past year has advanced
3 the idea that the voice of the farmworker is of utmost
4 importance in enforcing the Agricultural Labor Relations Act.

5 Thank you very much for your attention.

6 SENATOR LEWIS: Thank you very much, Ms. Daniel.

7 We note that the number of complaints that are
8 issued, and also the number of elections that are certified,
9 they're just a tiny fraction of what they used to be,
10 particularly in the mid-'70s, and have been declining rapidly
11 ever since.

12 What's keeping you busy these days?

13 MS. DANIEL: What's keeping us busy is there --
14 initially, we, by mandate of this Governor, we were asked to
15 review our regulations.

16 What kept us busy, for me, at the beginning,
17 since I was appointed -- which I was appointed in August -- we
18 started the regulation review process, which included extensive
19 hearings throughout the state, going up and down the state.

20 Subsequent to that, we had to as a Board, we
21 decided to expand these hearings to include these expert
22 testimonies that I had asked -- that I had told you about. And
23 it called for each of us, independently, to go and seek out
24 those -- those areas of expertise that we knew needed to provide
25 us the demographics for decisions that were going to be called
26 upon us to make.

27 For example, the issue of access was very much in
28 our minds in this regulatory review. And I was very busy trying

1 to find out as much information as I could from the Census
2 Bureau, from the California Rural Institute, from all those
3 people that have the facts and the figures about agriculture and
4 the farmworker.

5 In addition to that, I personally have been
6 involved in doing personal visits on my own, as a private
7 citizen, to different agriculture communities. I'm trying as
8 much as I can, in view of the boundaries that we have as
9 quasi-judicial, to not interfere with any case or anything.

10 So, on my own, I go to these communities to try
11 and learn, really, the housing conditions, because that's
12 important to the issue of access.

13 Many of the questions that come before us have a
14 lot of peripheral areas that we, as Board Members, at least I do
15 try to keep in touch. So, I've been involved with that.

16 I'm also the coordinator for the Work Plan
17 Committee. I don't know if any of you have called the Board in
18 the last year or so, but it used to be where you call, and it's
19 this black hole. I mean, you just cannot get a live person.
20 And I felt that this was terribly wrong.

21 If we are a truly customer service group, board,
22 we should have our constituents able to reach us without having
23 to have 14 telephone calls.

24 So, those are the kind of things. They have not
25 been cases, you're right, but we have a lot of management issues
26 that we would like to explore.

27 SENATOR LEWIS: In terms of your personal visits
28 to some of the agricultural areas, what's been some of the most

1 surprising things that you've seen or learned?

2 MS. DANIEL: Well, some of them have been
3 pleasant in areas where I have seen that housing conditions for
4 some -- some farmworkers are actually pretty nice.

5 I think what's surprising is that there's not
6 that much activity on farms. You know, unfortunately, this was
7 a year that the weather was not quite good. Many of the days
8 that I chose to go, it was either rained out, or the crops were
9 bad. You know, where crops were not being harvested.

10 But I guess -- I guess it's the anxiousness in
11 talking to farmworkers about having jobs. They want jobs. They
12 want to be able to work. They want to be able to be paid, be
13 paid a decent wage, those kind of things.

14 SENATOR LEWIS: Senator Ayala.

15 SENATOR AYALA: Ms. Daniel, what is your
16 understanding of the events that occurred in the fields of the
17 Silliman Ranch last July?

18 MS. DANIEL: On the Silliman Ranch?

19 SENATOR AYALA: Yes, the Silliman Ranch, the
20 problem we had there last month, in July?

21 MS. DANIEL: Oh, last week.

22 SENATOR AYALA: What is your understanding of
23 those problems?

24 MS. DANIEL: This is the Coastal Berry, the
25 recent election?

26 SENATOR AYALA: Yes, ma'am.

27 MS. DANIEL: You'd have to be, you know, deaf and
28 mute not to hear that there was activity going on.

1 And my understanding, and I will tell you that I
2 do read the newspaper; I do hear the radio. I know that
3 there -- that there was activity taking place.

4 But in all honesty, I try not to delve too much
5 into the details because I'm concerned that if I get past my
6 point of jurisdiction, I will not be able to hear the case if it
7 should come up to appeal.

8 SENATOR AYALA: Having said that, what is your
9 role as member of ALRB in light of all those events that took
10 place?

11 MS. DANIEL: Unfortunately, Senator, our role as
12 quasi-judicial has to be in more of a reactive role than a
13 proactive role. The way that we are established, through
14 established federal and state procedures, we cannot take an
15 advocacy or a proactive role and get past the boundaries that
16 we're bound by.

17 SENATOR AYALA: You should be proactive to avoid
18 some of these pitfalls we're talking about.

19 MS. DANIEL: We should be, and that really
20 concerns us. I think that it concerns us that we cannot reach
21 down and do something when the event has actually happened.

22 Unfortunately, because of the way we're
23 structured, we are limited, and we're bound by the law that we
24 cannot do that if we hope to hear this case, if it ever comes
25 up.

26 SENATOR AYALA: Does the ALRB have appropriate
27 funding to carry out your responsibilities as you see them?

28 MS. DANIEL: Well, I think there's a lot that we

1 can do, that maybe it's not just funding. It's things that we
2 can do as a staff, that we can guide our staff to do. Which is,
3 in my opinion, maybe take a look again at the election, at our
4 election handbook, and see where we can, you know, look at these
5 issues that are now coming up, and be proactive in that manner.
6 Have more training.

7 There's so much needs -- there's so much
8 misinformation up there as to really what our role is. A
9 perfect example is that people think that we as Board Members
10 can stop an election. We don't have that prerogative, as much
11 as you've heard, Senator, that we do. The reality is, we
12 don't.

13 SENATOR AYALA: The term you used was not to be
14 proactive but react.

15 MS. DANIEL: Reactive because we have to wait
16 until something comes to us in the form of an appeal. And we
17 have to wait until the full case is before us before we as,
18 judges, can really take up the issue.

19 SENATOR AYALA: You take the position of the role
20 of a court, so to speak?

21 MS. DANIEL: Yes, sir.

22 SENATOR AYALA: But there's nothing you can do,
23 as a Board, to avoid some of these problems that we face?

24 MS. DANIEL: I don't want to say there's nothing
25 we can do, because there's always we could do better.

26 But at the point where we are today, where we
27 were last week, there was very little we could do as a
28 Board.

1 SENATOR AYALA: Why did you not utilize the
2 statutory authority of the Board to overrule the decision of the
3 regional director to proceed with the election? You couldn't
4 have done that?

5 MS. DANIEL: The only way that we could have
6 interfered with the decision of the regional director is if, in
7 fact, the regional director had taken the decision to impound
8 the ballots.

9 Other than that, we had no authority. We do not
10 review. It's not up for review if they proceed with the
11 election. It is not before us.

12 Only if they try to impound the ballots, then we
13 review that action.

14 SENATOR AYALA: Is your total function related to
15 elections only, nothing else?

16 MS. DANIEL: No, we have -- we have other -- we
17 also oversee the complaints and the remedies that are out there.
18 It's not just elections.

19 SENATOR AYALA: That's what I was referring to.
20 You have other functions, other than just wait until they bring
21 it before you so you can act in a judiciary way to resolve those
22 issues.

23 The Board should be out there trying to avoid
24 some of these problems that occur before they occur.

25 MS. DANIEL: I agree with you. We should be out
26 there. The problem is --

27 SENATOR AYALA: Are you?

28 MS. DANIEL: We can't, Senator.

1 SENATOR AYALA: Why not?

2 MS. DANIEL: Because the way that it's structured
3 is that a complaint cannot come before us, and we cannot hear
4 it, unless it's a formal complaint that's been through the
5 procedure, that has gone through investigation from our General
6 Counsel, from our regional person, to our Executive Secretary.

7 All those clearings have to go through before we,
8 as Board Members, have the authority to look at the complaint.
9 It has to be through this formal process.

10 It is a process that has been in place, you know,
11 that has been in place for federal for 60 years, and 23 years
12 for the California Labor Relations Act. And it's an established
13 process that has been tried at Supreme Court. And that's
14 nothing we can change. It's there.

15 SENATOR AYALA: Are you familiar with the
16 Warmerdam Packing Company case?

17 MS. DANIEL: Yes.

18 SENATOR AYALA: What action can the ALRB take
19 when a company remains in violation of the ALRB order? They're
20 in violation. What is it the Board can do?

21 MS. DANIEL: The Board can work closely with the
22 General Counsel. You know, this -- this authority is delegated
23 to the General Counsel and to the regional office to make sure
24 that they're in compliance.

25 We cannot take an active role and go there and
26 make sure that Warmerdam complies. We have to work through our
27 General Counsel to make sure that that happens.

28 SENATOR AYALA: Does he report to you about these

1 cases, the General Counsel?

2 MS. DANIEL: We have meetings, as you know, Board
3 meetings every Wednesday, and he does give a report on
4 compliance.

5 SENATOR AYALA: He goes over all these cases?

6 MS. DANIEL: Yes, he does. He gives us the
7 status of that.

8 SENATOR AYALA: Can you give us an update on
9 access rule issue?

10 MS. DANIEL: The access rule. This has been a
11 very difficult issue, at least for me.

12 I think access is a tool that was provided so
13 that farmworkers can receive information, farmworkers that are
14 out there, that are not readily accessible.

15 I think the access rule is something that we need
16 to look at very carefully because this is a big state. Although
17 there's certain areas in the state where alternative means of
18 communication are out there, and things have changed in the last
19 23 years, we can access some workers, I'm concerned there's
20 certain pockets of the state where we can't reach those
21 farmworkers.

22 SENATOR AYALA: Can you tell the Committee what
23 that access rule is?

24 MS. DANIEL: The access rule is for people who
25 are nonemployees of a particular farm, they have --

26 SENATOR AYALA: Union representatives?

27 MS. DANIEL: Union representatives or
28 organization groups have the right to ask for access to a

1 farmer's place or work location.

2 SENATOR AYALA: During working hours?

3 MS. DANIEL: Before working hours, during lunch
4 time, and after working hours.

5 SENATOR AYALA: But not during working hours?

6 MS. DANIEL: Not during working hours, sir. It's
7 usually an hour before work, an hour -- if in fact some of the
8 farmworkers have an hour for lunch, which they usually don't,
9 it's usually half an hour, and an hour after work. And it's not
10 during working hours.

11 And they can do this before an election, if they
12 file a notice with us to organize, if they file a notice to take
13 access. And they can do it all along the process, even towards
14 the end of an election.

15 So, there's a lot of access there available for
16 organizers.

17 SENATOR AYALA: Can you foresee any circumstances
18 under which you would vote to eliminate the access rule or limit
19 its application?

20 MS. DANIEL: You know, I have to be very honest
21 with you. We had expertise from the federal government and the
22 state government who couldn't agree as to whether farmworkers
23 were accessible or not in the normal, you know, work situation.

24 You don't even have experts agreeing as to where
25 farmworkers are because of the nature of --

26 SENATOR AYALA: I'm not asking you about experts.
27 I'm asking you about you.

28 MS. DANIEL: Well, I think what I'm trying to

1 tell you is that it's a very difficult thing for me to say today
2 that access needs to be eliminated. I can't say that.

3 There's a lot of things that are being done. I
4 understand there's a study on California migration of farmers
5 [sic], as to how they migrate, how their housing patterns are.
6 I can't say that.

7 SENATOR AYALA: Do you recall any occasion where
8 you dissented from the majority opinion of the Board?

9 MS. DANIEL: Actually no, because most of our
10 decisions have been pretty, pretty clear cut.

11 SENATOR AYALA: You don't go along just to go
12 along, do you?

13 MS. DANIEL: Jesus, I hope not, Senator. I hope
14 not, because I am not an attorney, but I do have 16, almost 17
15 years.

16 SENATOR AYALA: What do you mean, you're not an
17 attorney?

18 MS. DANIEL: Well, I think that -- that when you
19 go along with things, I mean, I have pride in what I'm doing in
20 terms of evaluating a case on its merits and its facts. I'm
21 not -- I'm not the kind of person that's going to go along with
22 the crowd if I philosophically don't believe that's where we
23 need to be, and the merits of the case don't warrant it. I
24 won't.

25 SENATOR AYALA: What was your most difficult
26 decision as a Board Member so far?

27 MS. DANIEL: The most difficult decision was
28 asking a group of 350 farmworkers who came to us in Watsonville,

1 after hearing their testimony, is going back to the Board and
2 asking that we expand these hearings, that we -- was telling
3 those people that we cannot -- I cannot make a decision on what
4 I heard, that I needed to expand these hearings to include other
5 testimony.

6 But these are 350 farmworkers who came to us, who
7 testified on a period of two days, telling us about the
8 conditions that they were experiencing in the Watsonville area.

9 And I needed to have, besides anecdotal
10 information, I needed demographics. I needed expert testimony.

11 That was very difficult, Senator.

12 SENATOR AYALA: My final question, what means, if
13 any, has the administration attempted to influence your ALRB
14 decisions? Has the administration ever got in touch with you
15 and said --

16 MS. DANIEL: Never, sir, never.

17 SENATOR AYALA: Thank you, Mr. Chairman.

18 SENATOR LEWIS: Thank you, Senator Ayala.

19 Any other questions? Senator Hughes.

20 SENATOR HUGHES: Thank you very much for coming
21 before us today.

22 You've been on this Board now for almost a year.

23 MS. DANIEL: Almost a year.

24 SENATOR HUGHES: What have you learned that you
25 didn't know before? I'm sure that before you went on this
26 Board, you had some preconceptions, and were you right or were
27 you wrong? And what have you learned?

28 MS. DANIEL: I was 180 degrees wrong of what I

1 thought this Board had the authority to do.

2 My biggest frustration has been that although this
3 Board is seen as an advocacy for farmworkers, the reality is
4 that we're bound by so much legislation that we cannot really be
5 out there as advocates for the farmworkers. That was a big
6 shock.

7 SENATOR HUGHES: Well, have you read the Code
8 under which you operate? The Code of the Constitution, and
9 might I just read something to you, so you may not be wrong to
10 begin with. You're probably right.

11 It says, Section 1140.2, California Labor Code
12 states that, "In respect to the ALRB, it is hereby stated to be
13 the policy of the State of California to encourage and protect
14 the right of agricultural employees to full freedom of
15 association, self organization, and designation of
16 representatives of their own choosing to negotiate the terms and
17 the conditions of their employment, and to be free from
18 interference, restraint and coersions of employers of labor or
19 their agents."

20 So, that's exactly what you thought. That's
21 exactly what the Code said, and it doesn't differ from your
22 initial impression.

23 MS. DANIEL: Right.

24 SENATOR HUGHES: Has someone convinced you
25 otherwise?

26 MS. DANIEL: Yes.

27 SENATOR HUGHES: That that is not true?

28 MS. DANIEL: Yes.

1 SENATOR HUGHES: Who has convinced you otherwise?

2 MS. DANIEL: We have the National Labor Relations
3 Act.

4 SENATOR HUGHES: Which does not refute this.

5 MS. DANIEL: Established procedure and case --
6 and case precedence does not enable us to do that.

7 SENATOR HUGHES: But it's still not contradictory
8 to this policy as stated in the Code.

9 So, I hope you haven't changed so much that you
10 are not as committed --

11 MS. DANIEL: No.

12 SENATOR HUGHES: -- as I think that you were
13 originally.

14 MS. DANIEL: No, no, Senator.

15 I just want to say one thing, that the commitment
16 is there. The frustration is that, as Board Members, we don't
17 have that ability to go out and be in the field, really touching
18 and feeling and sensing what's going on there, because that
19 precludes us from our judicial responsibility.

20 SENATOR HUGHES: But I think you're a little bit
21 confused about what the statute says, and how you have to
22 operate each and every day.

23 So, I hope when you are in doubt, ever in doubt,
24 as to what your role should be, don't be so confused about the
25 controversy that you reach every day in functioning, but go back
26 and read the Code and what it says.

27 And it doesn't say anything about your being a
28 neutral agent. The role of the Board, it says, is an active

1 agent.

2 So, read that, think about it, and see how any of
3 the rules and regulations that you've heard before keep you from
4 being active. Because from what I heard you say before, you
5 visit the workers on site. You know what's happening because
6 you go yourself. And I don't want you to stop going to those
7 places. I don't want you to stop having your commitment.

8 And don't let anybody make your visiting fuzzy in
9 terms of what your role and your determination is.

10 And I liked what you said when you said you don't
11 always go along just to be along. So, don't ever let anybody
12 deter you from that commitment that I heard I speak about
13 before.

14 MS. DANIEL: Yes, Senator.

15 SENATOR HUGHES: Stay committed.

16 MS. DANIEL: Yes, Senator.

17 SENATOR HUGHES: What's been your most difficult
18 decision thus far as a Board Member? If you think about all the
19 decisions that you've had to make, what's been your most
20 difficult one?

21 MS. DANIEL: Well --

22 SENATOR HUGHES: You said it before, and I want
23 to see if you remember it again.

24 MS. DANIEL: But I want to add to what I
25 responded to Senator Ayala, is that the most difficult thing as
26 a Board Member is when you have these hearings, and you have
27 people tell you the conditions that are out there. And you
28 cannot act on those hearings because you need the full case

1 before you, because you do need to hear all the different sides
2 of those issues and not be able to take immediate action.

3 That's very difficult, because it's their
4 livelihood they're concerned about.

5 SENATOR HUGHES: Right, so you give them time.
6 You listen to all sides of the issue.

7 In your experience, has the administration or any
8 representative from the administration, attempted to influence
9 your decision?

10 MS. DANIEL: No, ma'am. No, ma'am.

11 SENATOR HUGHES: The Legislative Analyst has
12 recommended that the ALRB be eliminated and its functions be
13 transferred to the Public Employees Relations Board.

14 Do you agree with that conclusion? If not, why
15 not?

16 MS. DANIEL: Well, first of all, I agree that we
17 need to streamline certain areas of government.

18 I think this particular Act is a very significant
19 law. And it's tied to a \$25 billion industry, which is the
20 State of California.

21 Unless we can collapse it -- was it PERS, you
22 said, another agency?

23 SENATOR HUGHES: The Public Employees Relations
24 Board.

25 MS. DANIEL: Unless they have the unique
26 expertise of the agriculture community, I would never recommend
27 that, because what you would have to do is duplicate that
28 expertise. And we're fortunate enough at the Agricultural Labor

1 Relations Board to have over 50 years of agriculture legal
2 experience. You're not going to duplicate that by collapsing it
3 into another board that just does labor.

4 Agriculture labor is very unique and very
5 complicated.

6 SENATOR HUGHES: I'm sure that you know this
7 better than I do, but over a period of time, the ALRB has
8 suffered drastic budget reductions. What's been the impact of
9 these reductions in terms of making you a functioning operation?

10 MS. DANIEL: I think the impact has been actually
11 there in the regional offices, where you do not have up-to-date
12 computer systems, where you do not have enough staff, really, to
13 handle the complaints as they come through and do the
14 investigation. That's really where the problem is.

15 Once it trickles up to the Board, we can handle
16 that, but I think it's down in the regional offices.

17 SENATOR HUGHES: Thank you very much.

18 SENATOR LEWIS: Thank you Senator.

19 Is there anyone in the audience wishing to
20 testify in behalf of the confirmation? Come forward, please.

21 MR. VELLANOWETH: Senator, ladies and gentlemen,
22 my name is Robert Vellanoweth. I'm here to testify on behalf
23 Grace Daniel, a close associate and friend.

24 Having worked with her in several projects, and
25 having known her on a personal basis, I can tell you that her
26 expertise which she brings on the table today is not only a
27 cultural awareness of the farmworkers, but a professional and
28 very significant addition to the ALRB.

1 I'm just sorry that it's only until December for
2 this term, because she would be an excellent member on a
3 full-time basis.

4 So, I'm here to tell you that she would be one of
5 the best candidates for this position.

6 I work with the Youthful Offender Parole Board,
7 and as you know, over 50 percent of our wards are Latinos coming
8 into the institution, and most of them come from farmworkers.
9 They need individuals such as Grace to help to remedy some of
10 those problems that we have there.

11 So, I'm totally supportive of her confirmation
12 today.

13 SENATOR LEWIS: Thank you very much.

14 MR. VELLANOWETH: Thank you.

15 SENATOR LEWIS: Is there anyone in the audience
16 wishing to testify in opposition or to express concerns?

17 Not seeing any, do we have a motion?

18 SENATOR HUGHES: Move it.

19 SENATOR LEWIS: We have a motion for
20 confirmation. Please call the roll.

21 SECRETARY WEBB: Senator Ayala.

22 SENATOR AYALA: Aye.

23 SECRETARY WEBB: Ayala Aye.

24 SECRETARY WEBB: Senator Hughes.

25 SENATOR HUGHES: Aye.

26 SECRETARY WEBB: Hughes Aye. Senator Knight.

27 SENATOR KNIGHT: Aye.

28 SECRETARY WEBB: Knight Aye. Senator Lewis.

1 SENATOR LEWIS: Aye.

2 SECRETARY WEBB: Lewis Aye. Four to zero.

3 SENATOR LEWIS: Four to zero, congratulations.

4 MS. DANIEL: Thank you very much.

5 SENATOR LEWIS: That'll be the recommendation to
6 the Floor.

7 MS. DANIEL: Thank you very much for your
8 attention.

9 [Thereupon the Rules Committee
10 acted upon legislative items.]

11 SENATOR LEWIS: We'll return to Governor's
12 appointees appearing today, next we'll call upon Mary McDonald.

13 MS. McDONALD: Thank you.

14 It's an honor to serve as a Member of the
15 Agricultural Labor Relations Board. I bring to that Board not
16 only a commitment to uphold the statute, but to a devotion to
17 the word and the intent of the law as written by this
18 legislative body. My respect for this institution and the
19 statute which it created are reflected in the fact that for 17
20 years, I've devoted my career to writing, interpreting, and
21 enforcing the laws of this state.

22 After being a Board Member for seven months, I've
23 coming to appreciate the critical role that the Agricultural
24 Labor Relations Act plays in providing stability in agricultural
25 labor relations.

26 Immediately upon my appointment, I familiarized
27 myself with the statute, the Board regulations, and prior Board
28 decisions.

1 I traveled to Board regional offices, where I met
2 with workers at the job sites and in their homes. I also met
3 with the growers and the unions to solicit their views regarding
4 the operation of the Act.

5 One thing that I discovered were that all parties
6 were frustrated by the lack of access that they have to the
7 three regional offices serving the state. Obtaining forms,
8 Board decision, and general answers to questions could only be
9 achieved by contacting the regional offices.

10 In an effort to make our agency more accessible,
11 I held a meeting with representatives of the United Farm Workers
12 and the Western Growers Association to discuss the development
13 of a bilingual Internet web site. Under my direction, the Board
14 is in the process of creating a site, complete with information
15 about the Act as well as forms for filing unfair labor
16 practices, election petitions, and case decisions.

17 It is my vision that farmworkers will be able to
18 access this site at public facilities which are available to
19 them, such as EDD offices and county offices.

20 Since I've been on the Board, there's been no
21 lack of complex issues, including the undertaking of the sunset
22 review of regulations. The most controversial aspect of those
23 reviews was overhauling the access rule.

24 We changed the course of that review by voting to
25 uphold the -- to hold a series of hearings with the state and
26 federal experts on farmworker demographics. Based upon that
27 record that I had before me, I voted to not change the current
28 access rule.

1 If I had to make that decision again, my vote
2 would be the same.

3 This is a good law, benefitting the growers and
4 the farmworkers, and a law that will benefit from my unique
5 expertise and skills.

6 Thank you.

7 SENATOR LEWIS: Thank you very much.

8 Any questions from Members of the Committee?
9 Senator Ayala.

10 SENATOR AYALA: Ms. McDonald, what is it that
11 qualifies you for this position?

12 MS. McDONALD: Senator, for 17 years, I've been
13 writing, interpreting and enforcing statutes.

14 I have a particular expertise of bringing warring
15 factions together to try to reach a compromise on issues. I
16 have overhauled major programs in this state. I've worked at
17 all levels of government, federal and state government.

18 And I think these skills will definitely and are
19 being utilized right now in making the Act work better.

20 SENATOR AYALA: Your experience has been through
21 writing about these issues?

22 MS. McDONALD: No, my experience has been
23 writing -- helping to write laws, statutes, working as
24 deputy --

25 SENATOR AYALA: Are you an attorney?

26 MS. McDONALD: No, I'm not an attorney, but as
27 deputy leg. secretary to the Governor, I was very much involved.

28 SENATOR AYALA: What actual contact have you had

1 with people in the fields?

2 MS. McDONALD: Oh, I have -- I have spent a great
3 deal of time in the fields since I have taken this position.

4 SENATOR AYALA: Since you got the position.

5 MS. McDONALD: Yes, since I've had the position.

6 SENATOR AYALA: How about prior to that?

7 MS. McDONALD: Prior to that I did also, because
8 I handled agricultural issues, I did travel the state and was
9 very much aware of agricultural issues, but not necessarily the
10 labor issues. That was something that I felt that I needed to
11 make sure I filled that gap.

12 I'm doing that. I will continue to do that.
13 I've organized field trips for other Board Members to go and see
14 housing conditions, and I have dined with farmworkers. I have
15 done everything I can to make sure that I am very sensitized to
16 the plight that the farmworkers are experiencing in this state.

17 SENATOR AYALA: But after your college career,
18 your degree was in political science; was it not?

19 MS. McDONALD: Yes, and mass communication.

20 SENATOR AYALA: How did that prepare you for this
21 position?

22 MS. McDONALD: It -- that prepared me for the
23 position, but more my work experience has prepared me for this
24 position, and my ability to not just look at a program and say
25 it's stagnant. My ability to look at a program and say, how do
26 we make it better. That's really where my expertise lies;
27 that's what I'm doing.

28 When we created this web site, that's a very

1 significant thing for this agency. This agency has really not
2 been open to the public. The case decisions are not on
3 Internet. There's no disk. Doing any kind of legal research
4 has been a very difficult thing.

5 This is going to be, for the first time, actually
6 opening this agency up for everyone to review.

7 SENATOR AYALA: You heard me question the prior
8 candidate about the Board itself not utilizing your authority of
9 the Board to overrule the decision of the regional director to
10 proceed with the election, with which we had a lot of problems
11 here about a month ago.

12 MS. McDONALD: Right.

13 SENATOR AYALA: Why you did you vote not to
14 utilize that authority you had?

15 MS. McDONALD: Senator, I'd like to maybe back up
16 a little bit.

17 We definitely have -- the authority for elections
18 rests with the Board. We are constrained by case law and by
19 federal statute. That's in the statute under which we operate.

20 Roughly, oh, probably -- actually, it was my
21 first decision that I made when I came on this Board. We had a
22 case where there was a de-certification election pending before
23 this Board. It was a de-certification of the UFW. That
24 election was pending before us.

25 The regional director in that case opted to block
26 in a decision block that decision, block that de-certification.
27 That was appealed by the employer to the Board. We upheld
28 that. We upheld the blocking of that election. Why? Because

1 we had the authority to do it.

2 Now, that was because the regional director --
3 according to our case law, if the regional director opts to
4 block an election, that can be appealed up to the Board.

5 If they opt to not block or not impound, which
6 was the case in Coastal Berry, that cannot be appealed up to the
7 Board. That was the situation that we ran into because of case
8 law.

9 SENATOR AYALA: The regional director overruled
10 the Board?

11 MS. McDONALD: No, the regional director did
12 not.

13 The regional director, consistent with case law,
14 and that's what we operate under, it was case law.

15 SENATOR AYALA: You're confusing me with that,
16 because I'm reading here that the Board has the statutory
17 authority.

18 MS. McDONALD: We do.

19 SENATOR AYALA: Yet you're telling me that case
20 law prohibits you from doing it.

21 MS. McDONALD: We are also bound by case law.
22 It's the history of the Act, and it gives everyone the guidance
23 to know what they operate, when they're coming to this Board,
24 how they operate and how our rules will operate.

25 We had a situation where, in the Shide case,
26 because he opted to block, and that was appealed to us, our
27 first decision we said yes, we would block that
28 de-certification. That election did not go forward, and UFW was

1 not de-certified in that particular case.

2 SENATOR AYALA: So, you have the authority, but
3 you don't?

4 MS. McDONALD: But in the case -- it's odd, but
5 the way the case law works, if the regional director opts to not
6 block or not impound --

7 SENATOR AYALA: So he preempts the Board?

8 MS. McDONALD: He is operating -- unless it gets
9 appealed up to us, there's nothing for us to review. It has to
10 come before us.

11 Because he did not opt to do that in this case,
12 there was nothing before us.

13 We also ran into a situation with that particular
14 case of standing, and that was really the overriding issue on
15 that particular case, was because the UFW did not intervene in
16 that case, they did not have standing according to federal case
17 law and according to state case law.

18 SENATOR AYALA: You heard me question the other
19 candidate about the Warmerdam Packing Company case.

20 Why didn't the ALRB take action when the company
21 remains in violation of the ALRB's orders? I don't understand
22 that.

23 MS. McDONALD: That case -- and after, there were
24 a group of UFW employees, employees of Warmerdam, that came to
25 the Board and I met with them.

26 The General Counsel, and I know you appreciate
27 that we have this kind of a curtain between the General Counsel
28 and the Board, the General Counsel is overseeing the

1 implementation of that.

2 I met with the employees, and then afterwards,
3 met with the General Counsel to say, you know, they make a very
4 strong case. And he briefed me on the fact that they are moving
5 forward with compliance, and they're waiting for -- there were
6 documents that were pending from both sides, from the employer
7 as well as the UFW. So, he committed to moving forward.

8 SENATOR AYALA: I have no other questions,
9 Mr. Chairman.

10 SENATOR LEWIS: Senator Hughes, do you have any
11 questions?

12 SENATOR HUGHES: What I wanted to ask you is
13 basically the same question that I asked the previous Board
14 Member. I'm sure that you heard me read the statute that
15 authorizes you to function.

16 Who should you be an advocate for, as I read that
17 statute? Do you remember?

18 MS. McDONALD: Absolutely. That was, as I said,
19 when I came on, the first thing I always do when I do something
20 is, I sit down and read the statutes, I read the case law.

21 We're wearing really two hats in my capacity.
22 We're wearing the quasi-judicial, and we're also wearing the
23 administrative hat.

24 When we create -- when we're in the process of
25 creating this web site, I am going to be an advocate for making
26 sure that the information is out there, that people are provided
27 with that. And I will do everything in my capacity to make
28 sure. I think it would be criminal to do no less. That's what

1 I'm doing.

2 So, I am an advocate to make sure that the
3 information is out there.

4 I look forward to also -- I have little plans
5 that I've got to help make things better. One of them would be
6 also to formulate MOUs with other agencies that serve the
7 farmworker community, so that when they're out giving
8 information out, whether it's Housing or EDD, or OSHA, that we
9 are a part of that information dissemination. It's there.

10 So yes, I'm proactive.

11 SENATOR HUGHES: Your commitment is to see that
12 the information is out there, but are you committed to protect
13 the rights of the agricultural workers?

14 MS. McDONALD: Absolutely. They have to know
15 that they have those rights. That's critical. They need to
16 know that they have those rights, and then, putting my
17 quasi-judicial hat, absolutely, absolutely.

18 SENATOR HUGHES: Do you make the kinds of visits
19 that Ms. Daniel makes? Do you go around on sites and visit?

20 MS. McDONALD: I have. I have. I've seen some
21 of the most appalling living conditions. I've been in homes.

22 SENATOR HUGHES: What's the worst conditions that
23 you saw?

24 MS. McDONALD: The worst condition that I saw was
25 in Salinas. And it was a private facility; it was not a
26 government-run facility. Those were actually decent by
27 comparison. And they were adjoining rooms; I'm not going to
28 call them houses. They were about 200 square feet. Seven

1 people living in this. Dirt all around the place. Pretty -- it
2 was some of the worst poverty that I've seen, and I've certainly
3 seen poverty.

4 But these people were wonderful, gracious people,
5 inviting me into their home, and hard working. And as they said
6 to me, all they want is to make sure that their children have a
7 better life than they've had.

8 SENATOR HUGHES: How did you leave there feeling?
9 What did you want to do if you had the power to do it?

10 MS. McDONALD: I'm doing it. I'm doing it.

11 I'm empowering those people to know that they
12 have a vehicle out there through labor relations, through this
13 web site.

14 We did something -- we did something else. We're
15 trying to find -- we have a whole series of computers that are
16 old computers in our agency, 326s. And you give them to General
17 Services, and I don't know what General Services does, but
18 General Services has a policy where, if an entity is on their
19 list, they will give those computers to the nonprofit entity.

20 So, I came back and said great. Let's get some
21 of these computers out there. So, we're working to get them
22 into -- there's a transitional program where farmworkers are
23 learning to not be farmworkers any more, but maybe they'd be
24 janitors, or to work in offices.

25 And we're getting our computers to those folks so
26 that -- those are the kind of things that we can do, and I'm
27 doing them.

28 But most of all, the most important thing I'm

1 doing in terms of the statute is going to be the web site.

2 That's invaluable, invaluable.

3 SENATOR HUGHES: The Leg. Analyst, as I said to
4 Ms. Daniel, has recommended that the agency be eliminated and
5 functions transferred to the Public Employees Relations Board.

6 What do you think about that?

7 MS. McDONALD: I think if they can do it more
8 efficiently, more effectively than we can do it, God bless them.
9 But I don't think they can, because we do something different
10 than they do.

11 We -- at PERB, they do not actually represent the
12 petitioner who comes in with a complaint. We do. Our folks are
13 out there. They become the litigators for those individuals.
14 If a farmworker comes in, they become the litigator.

15 PERB does not have that expertise. They do not
16 have the expertise in labor relations. That rests in our
17 agency. And I'm proud of the people who work in that agency.
18 They're very committed individuals.

19 SENATOR HUGHES: Thank you.

20 SENATOR LEWIS: Is there anyone in the audience
21 who wishes to testify in behalf of the appointee at this point
22 in time? Is there anyone in the audience who wishes to express
23 opposition or concerns.

24 SENATOR AYALA: Mr. Chairman, at the request of
25 the Chairman, not a motion but a request that this be put over
26 until he's present to discuss it.

27 SENATOR LEWIS: Ms. McDonald, I think you're a
28 very conscientious member. I look forward to voting for you in

1 the future, but it'll have to be future.

2 We have a request from one of our Members to
3 postpone the vote.

4 MS. McDONALD: I was aware of that, thank you.

5 SENATOR LEWIS: Thank you for being with us
6 today.

7 MS. McDONALD: Okay, thank you.

8 SENATOR LEWIS: Mr. John Smith.

9 MR. SMITH: Good afternoon, Senators.

10 I appreciate the opportunity to appear before you
11 today. This is my fifth time.

12 Prior to coming to the Board, I was the Director
13 of the Office of Administrative Law. And while the subject
14 matter was certainly different over there, the process is
15 basically the same. In both jobs, I make my decisions. At OAL,
16 I decided which regulations should become law based upon the
17 record, and that's the same process I have here at the ALRB.

18 In fulfilling my judicial roll at the Board, I am
19 and always will be neutral. I will fairly apply the law to the
20 facts without regard to the parties involved.

21 Having said that, I do recognize that this Act
22 would not be here but for the farmworkers, and that's where my
23 personal sentiments lie.

24 Perhaps the most important issue that has come
25 before the Board since I arrived is whether the access
26 regulation should be changed or eliminated.

27 Let me state categorically that for most
28 farmworkers, the ability to speak to them personally is the only

1 way to reach them. And from the information we received as a
2 result of numerous hearings which you've heard about, and the
3 submission of voluminous documents, I did not vote to change the
4 access regulation and I would not again.

5 I'm sure you're aware, the life of many
6 farmworkers in California has not changed much over the years.
7 Workers still come and go from Mexico, and a good many still
8 live in poverty, and some work under unacceptable conditions.

9 While the Board does not have jurisdiction to
10 address all of their problems, I pledge to this Committee that I
11 will do everything in my power to uphold the rights of the
12 farmworkers.

13 Thank you.

14 SENATOR LEWIS: Thank you, Mr. Smith.

15 Questions, Members of the Committee? Senator
16 Knight.

17 SENATOR KNIGHT: Are we going to put it over?

18 SENATOR LEWIS: This will be treated just like
19 the previous one, is my understanding.

20 Is that correct, Senator Ayala? Does Senator
21 Burton have the same request on this nominee as well?

22 SENATOR AYALA: I think so.

23 SENATOR HUGHES: I was going to make another
24 comment, but if you do it for one, you do it for the other.

25 SENATOR AYALA: He wants to be here, is my
26 understanding.

27 SENATOR KNIGHT: He's going to be back.

28 SENATOR AYALA: No motion, just a request.

1 MR. SMITH: That's my understanding.

2 SENATOR HUGHES: I'm just curious, Mr. Smith.

3 Did you make those fields visits --

4 MR. SMITH: Yes.

5 SENATOR HUGHES: -- like the other two ladies?

6 MR. SMITH: I did. I met with the unions, the
7 growers, as many farmworkers as I could find, and I'm going to
8 continue that.

9 SENATOR HUGHES: Did you go to the place that
10 your colleague went to?

11 MR. SMITH: No, I didn't.

12 SENATOR HUGHES: You better find out where she
13 went and go there, too, because she sure came back with quite an
14 impression.

15 MR. SMITH: I intend to. I went some place
16 similar, and it was eye-opening.

17 I grew up in the Central Valley. I don't know
18 how you could grow up here and not have a concern about
19 farmworkers. I've seen since I was a little boy how they
20 lived.

21 SENATOR HUGHES: So, it wouldn't have been
22 shocking to you, because you knew that's what existed, or did
23 you know?

24 MR. SMITH: I think I knew, Senator, but when
25 you're there, face-to-face, it's a little different. It's an
26 eye-opener.

27 I wish this Board could do a lot more.

28 SENATOR HUGHES: Thank you. I would suggest that

1 you go there, too, someday. And someday I hope to see it.

2 I've seen pictures of it that have made me
3 sick.

4 MR. SMITH: I intend to.

5 SENATOR HUGHES: Thank you.

6 SENATOR LEWIS: Thank you.

7 Are there other questions from Members of The
8 Committee?

9 Anyone in the audience wishing to testify on
10 behalf of the appointee? Anyone wishing to testify in
11 opposition or express concerns? Apparently not.

12 Mr. Smith, we've been worn down. Good luck to
13 you.

14 MR. SMITH: Thank you, Senator.

15 [Thereupon this portion of the
16 Senate Rules Committee hearing was
17 terminated at approximately 2:40 P.M.]

18 --ooOoo--
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CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of September, 1998.


EVELYN J. MIZAK
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APPEARANCES

MEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR JOHN LEWIS, Vice Chair

SENATOR RUBEN AYALA

SENATOR TERESA HUGHES

SENATOR WILLIAM KNIGHT

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NANCY MICHEL, Consultant on Governor's Appointments

WADE TEASDALE, Consultant to SENATOR LEWIS

FELICE TANENBAUM, Consultant to SENATOR HUGHES

ANDY PUGNO, Consultant to SENATOR KNIGHT

ALSO PRESENT

MARION JOSEPH, Member
State Board of Education

WILSON RILES, Former State Superintendent

DOUGLAS M. MOORE, JR., Member
Workers' Compensation Appeals Board

SENATOR QUENTIN KOPP

FRANK RUSSO, President
California Applicants Attorneys Association

TOM RANKIN
California Labor Federation

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--ooOoo--

CHAIRMAN BURTON: Marion Joseph, Member, State Board of Education.

MS. JOSEPH: Senators, thank you very much.

I will make this brief, since I know you have many critical things to deal with.

I have been involved in trying to help to improve public education for about 35 years in many different roles. But particularly in the last five or six years, I have been enormously concerned with the misdirection California took on teaching children to read, or not teaching children to read, and have been working very hard to turn that around.

The Legislature, the Governor, have been very much part of that effort, starting with the ABC bills, and then the Reading Initiative, and then the training bills of 1086. And we at the State Board are trying hard to implement those to the very best, as well as adopting the standards. We have already adopted reading and language arts standards, and mathematic standards, and now we're working on the comprehensive testing bill according to all of your laws.

And I think there is some hope. And I would appreciate the opportunity to continue this effort, at least for some period of time.

CHAIRMAN BURTON: Senator Hughes.

SENATOR HUGHES: Thank you very much for your many years of commitment and your caring about education and students of this state.

1 I'd like to ask you, how do you feel about the
2 results of our STAR program released last week in grades two
3 through eleven?

4 MS. JOSEPH: I'm afraid that they do show a
5 picture which definitely needs changing. The effects of the new
6 laws have not really kicked in yet. We need to do better.

7 We are not giving our teachers the kind of
8 pre-service training they need yet, and I think those scores are
9 not satisfactory, and we can't afford to let it stand there.

10 So, the commitment has to be from the Board, the
11 Superintendent, as well as the Legislature to keep on moving in
12 the right direction, but I think we are moving in that course.

13 SENATOR HUGHES: The scores are devastating, as
14 far as I'm concerned.

15 What do you think of the results of these scores?
16 What kind of message it sends to us as policy makers? Where do
17 we go from here? Guide us; help us. What do we have to do
18 yesterday, and what do we have to do tomorrow and today?

19 MS. JOSEPH: I think there are three parts to
20 this.

21 You did pass the bills to change. You have
22 passed the bills to change, to recertify all the teacher
23 education programs, and that process is going on now.

24 You also passed a bill to establish the reading
25 training -- there's going to be what they call a RICA test.
26 Every new graduating teacher will have to take a test in whether
27 they can teach the fundamentals of reading. I'm not at all
28 convinced that the results of that are going -- I mean, I think

1 there are a lot of teachers who will not come out prepared, but
2 that has to push the teacher education.

3 I've not met, in all these years, teachers who
4 did not want to do a good job, but they are poorly prepared
5 right now, and I think we all admit that.

6 The second part was --

7 SENATOR HUGHES: And who's going to correct
8 that? Where?

9 MS. JOSEPH: I think that in recent -- having
10 heard the new Chancellor Reid, he certainly has the commitment.

11 I think if many teachers, new teachers, fail
12 RICA, there's a problem.

13 I think the Legislature has put money into
14 alternative programs. I think there has to be pressure on the
15 teacher education system to do a better job. I mean, we have to
16 be perfectly straight forward about that.

17 In addition, there is now money, the teachers
18 absolutely have to have material that gives them what they need
19 to teach reading, writing and spelling, as well as math. So,
20 now there's a good chunk of additional money that -- where the
21 State Board will adopt criteria based on the new standards.
22 Those are tough standards. That material should, in fact, give
23 the teachers more of what they need to teach reading.

24 You can't -- teachers cannot be composers and
25 conductors. They can't make it all up. There's no reason for
26 that. They need to be given solid materials. That will make a
27 difference.

28 And then, having the testing program will show

1 us. We have been flying blind without a testing program for too
2 long.

3 The combination of those three things, I think,
4 but we need to keep moving it.

5 I think the Legislature has done, I think,
6 everything they can, but now the issue is moving that.

7 SENATOR HUGHES: What about the whole area of
8 intervention? I mean, the state intervening, as we have done in
9 Compton? They're coming along slowly, but it's still slowly.

10 What do we do when we intervene? It's like going
11 into a critical care unit when the people are already on life
12 support, what do you do to make sure that they don't get to that
13 point? If you have any indicators by the STAR tests, would you
14 recommend intervention prior to total collapse in the system?

15 What do you feel about the social promotion
16 business? Schools want to look good, so they don't want to keep
17 back a lot of kids, but if you push them ahead, do you make the
18 situation better or worse?

19 MS. JOSEPH: Let's see, you've presented the crux
20 of the issue.

21 SENATOR HUGHES: That is right.

22 MS. JOSEPH: I wish I could say that I thought
23 state take-overs were an answer. I just think we have a hard
24 enough time doing what the state needs to do. I don't think
25 that's an answer.

26 I think that there needs to be absolute
27 recognition of why these schools -- you know, there's a lot of
28 talk about accountability. Why are these schools in the

1 bottom? Because of their achievement levels in reading and
2 math. I mean, that is why they're there. Those are the scores
3 that make them come out at the bottom.

4 So, we need to keep directing them very
5 specifically at reading programs and at math programs for which
6 there is evidence that they work. Not some idea, like maybe
7 this is a good idea.

8 We've been on the wrong track for a long time,
9 Senator, and we have got to get programs in schools that we know
10 work, that there is real evidence.

11 SENATOR HUGHES: How do we tighten the coalitions
12 between the universities that do the teacher training and the
13 schools out there that need better teachers?

14 This morning on radio, I heard about another
15 state where all of these college graduates who are going to
16 teach in schools have such poor scores in these basic subject
17 matters. I wonder how they even got into college to begin with,
18 and now they're coming out and applying for credentials.

19 So, it's not just our state. This is a
20 nationwide problem.

21 But how do we utilize the brains, and the
22 integrity, the training, and the research of the universities --
23 I don't care whether they're public, private, or semi-private --
24 to really get together out there in the community and do a job?

25 MS. JOSEPH: The evidence, the research, on how
26 children learn to read is overwhelming now and convergent. And
27 we know exactly how to do it, and the way -- with greater
28 certainty than we have ever known.

1 We simply have to get the kind of programs into
2 the schools for which there is absolute evidence. Education as
3 an institution does not operate, or has not operated, on the
4 basis of evidence. It's like, here's a good idea; why don't we
5 try this; this sounds good. I am afraid that we're not very
6 good consumers. We don't ask for evidence, and we need to do
7 that. It's very, very serious. We've made many serious
8 mistakes.

9 I wish I had an answer to teacher education. I
10 read clippings from the United States and from other countries.
11 And the teacher education problem is across the country, as you
12 say, and in many countries.

13 I wish I had an answer to it. I think that
14 focusing on student results, on the teachers being able to pass
15 the RICA test, that those are going to be kinds of pressures the
16 system has to have. Let's see what happens as a result of
17 those.

18 I think that we have had no testing, so you don't
19 know. You can say, well, our kids are doing wonderfully, but
20 there's been no evidence. Now we have evidence. Now we see
21 what happens for next year.

22 SENATOR HUGHES: What do you think about the
23 National Teacher Certification Exams? You know, we have our own
24 state stuff that we do, but what about that?

25 And I know there are a group of teachers who are
26 right now training to take that. They have that going on in Los
27 Angeles. Not that Los Angeles is a model, but I know that there
28 are teachers who go to these workshops on weekends and evenings,

1 to try to take the National Teacher Examination.

2 So, that would mean that they would be quality
3 teachers who could teach anywhere in the nation, but they're not
4 enough of them, and they are giving some incentives, some
5 financial incentives in Los Angeles, for teachers to take this
6 exam.

7 What is your evaluation of that?

8 MS. JOSEPH: I think that's probably a good
9 idea. I'm not totally familiar. I know there is such an exam.
10 I know we support that idea.

11 But frankly, I think that California's salvation
12 is here. That Senator Hughes, eloquent as you are, I think a
13 meeting with the Chancellor, who I think is committed, I think
14 he's going to need all the help and muscle you can give him.

15 We need -- our teachers deserve better than
16 they're getting. And I think that the Legislature can help give
17 the Chancellor the kind of support and muscle he needs to carry
18 out what I know he intends to do.

19 SENATOR HUGHES: I've met with the Chancellor.
20 I'm extremely impressed.

21 MS. JOSEPH: Yes, I am, too.

22 SENATOR HUGHES: Extremely impressed with his
23 commitment.

24 I hope that we, as a Legislature, don't block
25 him, but help him to achieve his goal. He's new to the state.
26 He comes with a lots of new, fresh ideas.

27 We may not be his problem as much as his
28 professors, and you know, you've been there.

1 MS. JOSEPH: Absolutely.

2 SENATOR HUGHES: People don't want to change and
3 try new things, but maybe it'll necessitate our passing some
4 legislation that says we must try new things because the old
5 things are not working.

6 MS. JOSEPH: I certainly think that you're
7 absolutely right, we all need to support. He came and met with
8 the Board, and he was right where we had hoped. He said, the
9 answer is reading, writing, algebra, geometry, that's it; that's
10 what we have to get our children at.

11 And we will work with him closely, and I know you
12 will.

13 And I think we're on the right course, but it's
14 going to take a lot to get certain people, concern groups who
15 are still not where we are, to recognize that we have a very
16 significant problem.

17 CHAIRMAN BURTON: Senator Ayala.

18 SENATOR AYALA: Ms. Joseph, what have you learned
19 as a State Board Member about the experience of charter schools
20 in California, their success and their failure? What is their
21 record? Are you aware of that?

22 MS. JOSEPH: My understanding is, it's very
23 mixed, Senator. And I hope that with the new bill, AB 544, that
24 we can help. It gives us some authority as a State Board to
25 develop regulations to try to help guide it.

26 But, it's very mixed.

27 SENATOR AYALA: Tell me more about the mixed
28 results, like for instance?

1 MS. JOSEPH: I think there are problems with
2 some of them in terms -- there have been problems with oversight
3 in some cases. There's some that have had to close.

4 SENATOR AYALA: Is that the failure of the local
5 school boards for the oversight?

6 MS. JOSEPH: It seems to me the local school
7 boards have a responsibility here. I'm not sure that in every
8 case it's the local board's responsibility that it's a failure,
9 but I do think that there needs to be local school board
10 oversight. Otherwise, we can be just without anything.

11 And I hope that in the regs that we develop, the
12 regulations that Board develops, that we will try to --

13 SENATOR AYALA: There's mixed results as it
14 pertains to charter schools.

15 I want to ask you now, do you support public
16 funding for these private school vouchers?

17 MS. JOSEPH: For private vouchers, no, Senator.

18 SENATOR AYALA: You don't support public money
19 for that?

20 MS. JOSEPH: For vouchers, no.

21 SENATOR AYALA: Well, a voucher for K through 12.

22 MS. JOSEPH: For charters?

23 SENATOR AYALA: The charters, they're under the
24 school boards, and they operate under their guidance and
25 oversight. The problem is, they haven't had the oversight they
26 should have had.

27 MS. JOSEPH: No, they haven't.

28 SENATOR AYALA: They're responsible for that.

1 But as opposed to a private school of any type
2 being funded by public funds, how do you feel about that?

3 MS. JOSEPH: My personal view, if you're talking
4 about private -- public funds in the form of vouchers --

5 SENATOR AYALA: I'm talking about public money
6 being used for private schools.

7 MS. JOSEPH: And you're using that in the voucher
8 -- in the charter issue?

9 I'm assuming that I think the charters should be
10 operating under some public board oversight. I'm not sure that
11 in all cases that happens.

12 SENATOR AYALA: You haven't answered my question.

13 MS. JOSEPH: I don't support public money for
14 private schools.

15 SENATOR AYALA: You oppose public money for
16 private schools?

17 MS. JOSEPH: But if it's a charter school, and
18 the charter schools are operating under public charter, then
19 that is a different story.

20 SENATOR AYALA: A charter school is almost a
21 public school, operating under the Board of Education in the
22 district.

23 MS. JOSEPH: And I have to be on for that.

24 SENATOR AYALA: My question is, and I'll repeat
25 it, public funds for private schools?

26 MS. JOSEPH: No.

27 SENATOR AYALA: Thank you.

28 CHAIRMAN BURTON: Senator Knight.

1 SENATOR KNIGHT: I heard a comment earlier that
2 indicated that we need to try some new methods, that the old
3 methods aren't working in our public educational system.

4 And I want to find out what methods we're talking
5 about, because I was under the impression that all of the new
6 methods that we've tried -- the new math, the new teaching of
7 reading, and the self-esteem, don't make anybody feel bad so
8 don't tell them they flunked, or don't tell them they got the
9 wrong answer -- I thought all of those were some of the
10 problems, and those were the new methods.

11 I want to know what new methods we're talking
12 about?

13 MS. JOSEPH: You're absolutely right, Senator,
14 we're not talking about that. We're not talking about -- those
15 are the new, unproven methods, and they've proven to be
16 disastrous for our children.

17 But I assume that the Senator was talking about
18 approaches to teacher education, because if you're talking about
19 what has happened until now, those have been a problem.

20 SENATOR KNIGHT: We seem to be going in that same
21 direction with teacher education, because we're going to pay
22 them \$10,000 now to take an exam to find out if they know what
23 they're talking about, and I think that's pretty ludicrous.

24 I thought I saw that some place; didn't I?

25 CHAIRMAN BURTON: Governor's insistence.

26 MS. JOSEPH: I think that in terms of the old
27 methods, we know how to do them better in terms of teaching
28 children directly, systematically, how to spell, penmanship,

1 grammar. We need to do all of that, but I do think we know how
2 to do that better for all children than we used to.

3 But if you say, those are the old methods, they
4 are, the tried and true methods. We can do them better than we
5 did them before, and certainly we have to do not what we have
6 done the last ten years.

7 It's a combination new and old, in essence.

8 CHAIRMAN BURTON: I've got a couple questions.

9 One is, and you and I were around during the
10 friction between Max Rafferty and the State Board under Tom
11 Braden.

12 Now it seems that Superintendent Eastin is there,
13 and seems to be a lot of friction there.

14 And I don't think that's necessarily good for
15 public education. I think primarily I don't think it's as
16 philosophically ingrained as it was with Max and the State Board
17 then.

18 How can a Superintendent and the State Board
19 either try to work together, at least not get into fights over
20 stuff that's not necessarily relevant because they can't do
21 anything about it?

22 How can we, assuming Delaine gets re-elected,
23 which I think she probably will, how can we make sure that the
24 State Board and the Superintendent are, if not in lock-step, at
25 least are trying to work together on as many matters as they can
26 of mutual concern?

27 MS. JOSEPH: I think that we don't have very many
28 differences in terms of issues. And I think we have to keep

1 focused on the issues.

2 And sometimes there are disagreements about --
3 there are not that many disagreements. Sometimes the press
4 likes to make more of them than there are.

5 I think we have to just work together, focused on
6 the issues. I don't think we're very far apart most of the
7 time.

8 And I suppose, having come from twelve years as a
9 staff person in the Department, I think we just have to keep
10 communicating and pledging to work together. There's just no
11 other way. We can't accomplish this, the Board, without the
12 Superintendent, or the Superintendent without the Board.

13 I don't think that it's as tough as it sometimes
14 sounds; I really don't. I think we can do it. I think we do do
15 it most of the time.

16 SENATOR AYALA: Mr. Chairman, may I add on to
17 that.

18 I don't envision the time when it'll settle,
19 because as long as you have a Superintendent that is elected
20 statewide by the people of California, then you have a Board
21 that is appointed by a governor, the members must represent that
22 philosophy or they don't get appointed, there's a conflict from
23 here on out.

24 Don't tell me no, because he wouldn't appoint you
25 if you didn't agree with what he was doing, this Governor or any
26 other Governor, for that matter. As long as we have appointed
27 officials bucking an elected official, that's exactly what that
28 is.

1 At the local level, we elect board members, and
2 the board members select their superintendent. They have to get
3 along with him or they fire him.

4 As long as the current policy exists, we've
5 always got conflict at that level.

6 CHAIRMAN BURTON: Question that I've got.

7 Do you think the Board is going to get involved
8 or not get involved in Prop. 8, or do you have any idea? Do you
9 think it's good idea that they get involved, or a bad idea?

10 MS. JOSEPH: They're not going to get involved as
11 far as I know.

12 CHAIRMAN BURTON: The Chair is involved, but
13 that's just her deal.

14 The thing, there's a lot of stuff in that --

15 MS. JOSEPH: The Board hasn't met on it. My
16 assumption is that -- the Board hasn't taken it up.

17 My assumption so far is, hands off.

18 CHAIRMAN BURTON: Well, if you're not going to do
19 that, but just for my own benefit, my concern, biggest concern
20 on that one, it's the one that basically will give parents
21 councils almost control of a school. I don't know how they will
22 necessarily be elected, but the school site councils, expanding
23 authority over education, curricula, expenditures, which means
24 the money, and I'm not exactly sure, do you know how school site
25 councils are established?

26 Is that like, who has the biggest turnout, like
27 the old poverty elections, or what?

28 MS. JOSEPH: Senator, it just refers back -- that

1 takes me back to Senator Ayala for a minute.

2 I'm a Democrat, and have always been and will
3 always be.

4 SENATOR AYALA: I won't hold it against you.

5 MS. JOSEPH: Senator, the Governor did not ask me
6 to agree with everything.

7 CHAIRMAN BURTON: How about answering my question?

8 MS. JOSEPH: The question is that I agree with
9 you that that is a problem. I think that's a problem. We
10 created site councils.

11 CHAIRMAN BURTON: How are they selected.

12 MS. JOSEPH: They're selected by groups coming
13 together for election night at school.

14 CHAIRMAN BURTON: Like a caucus, Iowa Caucus?

15 MS. JOSEPH: Like a caucus, uh-huh.

16 CHAIRMAN BURTON: That can be kind of dangerous
17 one way or another, seriously. And they would have when it says
18 authority over curriculum and expenditures, I mean, like they
19 could say what a school site could spend?

20 MS. JOSEPH: That's a problem. That is a
21 problem. I agree.

22 CHAIRMAN BURTON: Witnesses in support? Are you
23 visiting, Wilson, or are you going to testify.

24 MR. RILES: Yes, sir.

25 CHAIRMAN BURTON: Welcome, Mr. Riles.

26 MR. RILES: It's a pleasure to be here.

27 I'll mention this. I was elected your State
28 Superintendent in 1970, and took office in 1971, served three

1 terms. And then left office after Honig was elected in 1983.

2 During that period, I can see many of you were in
3 the seventh or eighth grade during that period.

4 CHAIRMAN BURTON: You got the wrong committee.

5 [Laughter.]

6 MR. RILES: I think it was generally thought that
7 Max Rafferty, who was Superintendent at that time, could not be
8 defeated. And I remember a member of the State Board of
9 Education came to me, I was working in the Department of
10 Education, and told me I should run for office. And I thought
11 he was out of his mind. I had many things in my dreams, and so
12 on, but being a statewide elected official was not one of them.

13 But he convinced me to run, and I ran and was
14 elected.

15 Having worked in the Department, having worked in
16 school districts, been a teacher, principal, and all of that, I
17 understood how the system worked. And the moment I was elected,
18 I, of course, was dedicated to do a good job for all the
19 children in this state, regardless of their religion, or race,
20 or socio-economic status.

21 One of people that supported me in the election
22 and worked hard was Marion Joseph. And her dedication and
23 commitment impressed me. And I brought her on the staff, asked
24 her to come on my staff and serve as one of my administrative
25 assistants.

26 And it was a fine move on my part because she did
27 her job well. She was thoroughly committed to the one thing
28 that I was interested in, how can you help the children of the

1 state, of all people, learn.

2 And so, I came to support her appointment. I
3 think she will be a credit to the state, but most important,
4 will support those ideas that she is committed to, and that is
5 to help children learn.

6 And that's it.

7 CHAIRMAN BURTON: Thank you, Mr. Riles.

8 Any other witnesses in support? Witnesses in
9 opposition.

10 SENATOR HUGHES: I'd like to move it.

11 CHAIRMAN BURTON: Moved by Senator Hughes. Call
12 the roll.

13 SECRETARY WEBB: Senator Ayala. Senator Hughes.

14 SENATOR HUGHES: Aye.

15 SECRETARY WEBB: Hughes Aye. Senator Knight.

16 SENATOR KNIGHT: Aye.

17 SECRETARY WEBB: Knight Aye. Senator Lewis.

18 SENATOR LEWIS: Aye.

19 SECRETARY WEBB: Lewis Aye. Senator Burton.

20 CHAIRMAN BURTON: Aye.

21 SECRETARY WEBB: Burton Aye. Four to zero.

22 CHAIRMAN BURTON: Leave the roll open for Senator
23 Ayala.

24 Congratulations.

25 MS. JOSEPH: Thank you.

26 MR. RILES: Thank you.

27 CHAIRMAN BURTON: It's good to see you.

28 Next item on the agenda is Mr. Douglas Moore.

1 MR. MOORE: Mr. Chairman, Senators, Senator Kopp
2 was on his way down, but I'll go ahead and start anyway.

3 CHAIRMAN BURTON: We can wait for him, if you
4 want, and we'll deal with some other stuff.

5 [Thereupon the Rules Committee
6 acted upon legislative items.]

7 CHAIRMAN BURTON: Senator Kopp.

8 SENATOR KOPP: Mr. Chairman and Members, good
9 afternoon to you.

10 I am here this afternoon for the pleasure of
11 presenting the honorable Douglas Moore to you and recommending
12 his recommended consent and approval by the full State Senate
13 for the position of Chief Judge, Workers Compensation Appeals
14 Board.

15 Now, the reason that I do so is because I know
16 Judge Moore personally. I've known him for twelve to fifteen
17 years. I knew him at the time he was a partner in the firm of
18 Sedgwick, Detert, and I knew Gunther Detert, Moran.

19 And I've litigated against him, and he is a
20 capable adversary.

21 CHAIRMAN BURTON: Is that Bob Moran?

22 SENATOR KOPP: Not Bobby, no, hardly. It was Ed
23 Moran, as a matter of fact, who would have been entitled, if he
24 were still living, to a disability placard for his automobile.
25 As a matter of fact, he practiced with one leg, Senator Knight.

26 CHAIRMAN BURTON: Do did Elmer Delaney.

27 SENATOR KOPP: Like Elmer Delaney.

28 And I also practiced in front of him when he was

1 a Judge of the Superior Court of the State of California in and
2 for the City and County of San Francisco.

3 And he is a first-rate lawyer with a first-rate
4 knowledge of the law. He was a first-rate advocate, but never
5 to the point of vituperation or acrimony. Always practiced
6 civil law in a civil fashion.

7 And as a judge, he was able to convey to
8 litigants and their lawyers who appeared before him that sense
9 of knowledge of the judicial process, knowledge of the decision
10 making process, and knowledge of the elements of specific
11 actions that were presented to him.

12 He, in the lexicon of the lamented State Bar of
13 California and its recommendations, would be characterized as
14 extremely well qualified; not qualified, not well qualified,
15 extremely well qualified. And indeed he is.

16 And as somebody who practiced mostly representing
17 plaintiffs against insurance companies and insurance company
18 lawyers, I can tell you that he is fair. And he is a person of
19 sensitivity in terms of the factual issues and damages and
20 damage issues that are at stake in Workers Compensation
21 applications.

22 So, I commend him, Mr. Chairman and Members of
23 the Committee, for your favorable recommendation to the full
24 State Senate.

25 CHAIRMAN BURTON: Mr. Moore.

26 MR. MOORE: Mr. Chairman, Senators, as far as my
27 background is concerned, I was born and raised in San
28 Francisco. After graduation from Cal Berkeley, spent two years

1 on active duty in the United States Navy as a supply officer
2 aboard a destroyer deployed to the Far East.

3 I returned to Hastings College of the Law, and
4 after graduation, joined what was then a 15-person law firm, a
5 litigation law firm in San Francisco where I remained actively
6 engaged in trial practice for 29 years, with a litigation
7 practice ranging from products liability and professional
8 negligence to insurance coverage matters.

9 Over the years, I tried lawsuits and trials in 32
10 of our 58 counties in California, from the smallest county, such
11 Alpine, where I tried a construction bond case, to Modoc County,
12 where I tried a six-week irrigation design case, and then on to
13 the large metropolitan urban areas, where Mr. Kopp and I had a
14 case or two in Los Angeles and again in San Francisco.

15 You don't win them all, so in addition to my
16 trial practice, I had an active appellate practice in the state
17 and federal courts, and at least one of my cases reached the
18 United States Supreme Court.

19 In the fall of 1995, I accepted an appointment as
20 a Superior Court Judge in San Francisco, where I was assigned to
21 the civil jury trial calendar, which involved a wide range of
22 cases, from complex commercial litigation transactions, various
23 types of person injury malpractice cases, employment law, and
24 even a will contest.

25 This service as a Superior Court Judge provided a
26 new perspective on litigation and the resolution of contested
27 legal and factual matters.

28 In addition to my career as a trial lawyer, and

1 my tenure on the Superior Court, which was cut short by a
2 contested election, I served for 36 years in the United States
3 Naval Reserve, retiring last year as a Two Star Rear Admiral.

4 My administrative and personnel handling skills
5 were honed when I was involved over a 15-year period with the
6 development of the United States Naval Reserve Cargo Handling
7 Capabilities, which was a mission area assigned to the reserve
8 forces.

9 During Desert Storm, I had in excess of 1500
10 Naval Reservists on active duty in the Persian Gulf, which I
11 managed from my law office with numerous trips to Washington,
12 D.C. to discuss matters with my active duty counterparts.

13 Throughout my legal career, I was frequently
14 confronted and became familiar with Workers Compensation
15 concepts and legal principles. In my nine months as
16 Commissioner of the Workers Compensation Appeals Board, I have
17 participated as of yesterday in 2,048 decisions involving every
18 conceivable issue that comes before the Board.

19 I would note in passing, Mr. Chairman, that as
20 far as the written opposition that's in the file, I see no
21 written opposition suggesting that any of my cases and decisions
22 were -- showed any evidence of bias or prejudice or were decided
23 on improper legal grounds.

24 Since being appointed Chairman of the Board in
25 April, I have personally authored two significant panel
26 decisions addressing the issue of good faith personnel actions
27 within the context of psychiatric claims. I have visited 21 of
28 our 25 local offices, and have met with 148 of 175 judges to

1 develop an appreciation for emerging and troubling legal issues.

2 I have personally directed an effort to reduce
3 the backlog of appeals pending before the Board, and have
4 implemented a web page on which practitioners can research the
5 California Labor Code and the California Code of Regulations,
6 and the Board can publish its en banc and significant panel
7 decisions and communicate with the workers compensation
8 community.

9 I believe my background, experience, and interest
10 fully qualify me to serve as a Commissioner of the Workers
11 Compensation Appeals Board.

12 I would welcome the opportunity to continue to
13 serve in that capacity, and I'm happy to answer any questions or
14 respond to any areas of concern.

15 SENATOR KNIGHT: Question.

16 CHAIRMAN BURTON: Senator Knight.

17 SENATOR KNIGHT: Yes, Admiral, and I would like a
18 yes or no.

19 Do you think it's time that we begin to downsize
20 the defense budget?

21 MR. MOORE: That came out of left field.

22 SENATOR KNIGHT: Yes, it did. Just a yes or no.

23 CHAIRMAN BURTON: Quit badgering the witness.

24 [Laughter.]

25 MR. MOORE: It is time, and I -- last week, we
26 closed the last military base in the San Francisco Bay Area.

27 I think what the public has to learn is that the
28 Cold War is over. We have much more capable equipment and

1 people, and we don't need infrastructure that we have. And so,
2 that's why I think we can reduce our military budget.

3 SENATOR KNIGHT: Okay, another question.

4 I don't mean this facetiously, but I've got a
5 number of constituents that have problems with Workers Comp
6 program.

7 Can you give me any idea as to what should be
8 done to improve the Workers Comp program?

9 MR. MOORE: Well, I think it --

10 SENATOR KNIGHT: I get the problems that they are
11 confronted with, and primarily it's the length of time it takes
12 to go through the process. You know, it appears as though it's
13 one stalling mechanism after another from both sides.

14 And they believe that there is a way to fix it.
15 I don't believe that their way is appropriate, but do you have
16 any way?

17 MR. MOORE: Well, the Legislature put into effect
18 some reforms several years ago. I think we're seeing those
19 reforms take affect.

20 One of the reforms, or an adjunct to the reforms,
21 was the carve out program, which is separate and distinct from
22 the comp system. That seems to be working and delivering
23 benefits, and that seems to be working well. And that may be
24 one small answer to some of the problems.

25 We have -- the number of cases has declined in
26 the last couple of years, in the last two years, by ten percent.
27 Our appeals have increased by 25 percent, which is responding to
28 the issues that came with reform, all the psychiatric problems

1 and cases, and that kind of thing.

2 But in Santa Monica, Long Beach, Los Angeles, Van
3 Nuys, those courts are very impacted as far as number of cases
4 are concerned, and there are some problems in those -- in those
5 particular local boards.

6 Throughout the rest of state, the system seems to
7 be working reasonably well, Senator.

8 SENATOR KNIGHT: Let me give you an example of
9 the people involved, and they have injuries.

10 The insurance company sends them to a doctor.
11 Their attorney sends them to a different doctor. They may go do
12 that a couple of times, because now they have to have
13 information from both sides.

14 They still can't agree, so then they go to a
15 third doctor, or a third set of doctors that becomes an
16 arbitrator.

17 And their concern, this all takes, you know,
18 many, many months. It takes a process of probably a year to two
19 years before they get all of this information, and a trial date,
20 et cetera.

21 And their suggestion is that they should go to an
22 arbitrating doctor immediately. Why not have both sides agree
23 to a particular medical official, whether it be a doctor or
24 whatever, but have them agree. And whatever he says, that's it.

25 Is that reasonable?

26 MR. MOORE: It may be reasonable, but I think
27 that the Legislature, several years ago, put into effect a
28 number of things, including the presumption of correctness of

1 the report of the treating physician. And if an injured worker
2 relies on his treating physician, the treating physician's
3 report will be presumed to be correct.

4 And this particular aspect of the reform has
5 reduced the number of medical legal examinations in comp cases
6 from 2.9 on average, 2.9 examinations per case, down to 1.6, and
7 I think that the reforms are taking hold in this regard.

8 SENATOR AYALA: Question.

9 What percentage of the claims that you have on
10 file are related to stress?

11 MR. MOORE: Just looking at the 1700 and some odd
12 cases I've seen this year, and I'm just one of three people on a
13 panel, about 17-and-a-half percent of the cases involve stress
14 claims, Senator.

15 SENATOR AYALA: These are from --

16 MR. MOORE: These are from all walks of life,
17 from police officers, to correctional officers, to office
18 workers of all sorts.

19 SENATOR AYALA: Some of those stress claims are
20 an insult to the intelligence of the average person, I think.
21 Some of these people that file all these claims in for stress
22 ought to see movie about the finding of Private Ryan, and take a
23 look at those people who were at that beach and see how many of
24 them put in a claim for stress.

25 You know, most of these claims, they're
26 legitimate claims all right, but most of the stress claims are
27 big joke, in my opinion.

28 MR. MOORE: As far as the stress claims are

1 concerned, psychiatric claims are concerned, in 1989 and again
2 in 1993, we had some reforms which changed the threshold for
3 proof to substantially caused by actual events of employment.

4 You have to be employed by six months, for six
5 months, by the same employer, to be able to put in a stress
6 claim.

7 If you claim stress after you've been terminated,
8 you have to show that you've been treated before for that
9 problem before you were terminated, and that kind of thing.

10 I think some of these things -- and the good
11 faith personnel action, which we have just defined in two cases,
12 I think that the reforms are working, Senator.

13 SENATOR AYALA: I think that there are legitimate
14 cases.

15 MR. MOORE: Yes.

16 SENATOR AYALA: But there are some that are so
17 ridiculous that, you know, they're laughable, and we've still
18 got to go through the process of denying the claim in most
19 cases.

20 You've seen the opposition, Mr. Moore, where the
21 judge's decision was overturned. You voted in favor of the
22 insurer-employer position 30 out of 31 times. This is labor's
23 complaint.

24 How do you respond to that?

25 MR. MOORE: I don't keep those kind of
26 statistics, Senator.

27 SENATOR AYALA: They do.

28 MR. MOORE: I've seen, as of yesterday afternoon,

1 I've seen 2,048 cases that I've signed on the dotted line. And
2 I call them the way I see them. That's what you do as a judge,
3 and that's what I'm doing here.

4 SENATOR AYALA: That's all I have, Mr. Chairman.

5 CHAIRMAN BURTON: Any other questions? Testimony
6 in support, please. Testimony in opposition, please.

7 MR. RUSSO: Members of the Committee, good
8 afternoon. My name is Frank Russo. I'm President of the
9 California Applicants Attorneys Association, a group of
10 approximately 1,000 attorneys statewide who represent injured
11 workers.

12 I'm glad to be here with representatives from
13 labor, and also joining the California Society of Industrial
14 Medical Physicals who evaluate cases, in opposition to the
15 confirmation of Douglas Moore.

16 CHAIRMAN BURTON: Who is that group
17 again?

18 MR. RUSSO: California Society of Industrial
19 Medical. They're the physicals who evaluate Workers
20 Compensation cases.

21 CHAIRMAN BURTON: Okay.

22 MR. RUSSO: For the last 16 years, the Workers
23 Compensation Appeals Board has been composed of appointees of
24 Governor Deukmejian and Wilson. And their decisions, for the
25 most part, have ruled against the interest and the rights of
26 injured workers.

27 Earlier governors, such as Ronald Reagan even,
28 and Jerry Brown, balanced the Workers Comp Board with

Commissioners from both management and labor backgrounds.

It's most important for you to note that since 1993, the Workers Compensation Commissioners serve a term of six years, which is long beyond the term of the next governor. We feel that the next governor should be entitled to fill his administration with appointees of his own choosing, and that we should not have a Workers Compensation Appeals Board Commissioner appointed as a lame-duck appointment of the outgoing governor.

For the reasons that we state in our letter, and any other questions the Committee has, we are in opposition to confirmation here.

CHAIRMAN BURTON: Mr. Rankin.

MR. RANKIN: Tom Rankin, California Labor Federation.

We also are opposed to the confirmation. I'm sure that Mr. Moore is a good lawyer, it sounds like, but we believe the Board, particularly at this time, after 16 years of imbalanced appointments, needs balance.

Remember that the terms are now six years long as a result of one of the recent reforms. And we don't find that Mr. Moore's decisions have been balanced.

CHAIRMAN BURTON: Question, Senator Ayala.

SENATOR AYALA: I just want to make a comment.

I keep hearing about lame-duck gubernatorial appointments. That goes for both Democrats and Republicans.

Should we make it a year before the term is up, that they can appoint no one else beyond their term limit, and

1 put it in the Constitution? Is that what you folks are looking
2 for?

3 Or if it's a Democratic governor, it's okay?

4 I'm serious about that.

5 MR. RUSSO: I'm only here today on the question
6 of this nomination which will effect things for the next six
7 years.

8 Whether the Senate wants to consider a
9 Constitutional amendment or other legislation concerning
10 appointments is something I'm not really prepared to take any
11 hard and fast positions on.

12 However, our membership and a number of attorneys
13 have consulted us regarding this appointment, and on behalf of
14 our clients, we feel this is a bad appointment and should not be
15 approved.

16 SENATOR AYALA: The greater picture is, should we
17 prohibit governors from making appointments in their last year
18 in office in order to avoid this lame-duck appointment that
19 everybody resists all the time?

20 MR. RUSSO: Certainly in this case, an
21 appointment for the next six years.

22 SENATOR AYALA: I'm not talking about this one
23 case. I'm talking about the bigger picture, not only for this
24 one case, so this doesn't come up again.

25 MR. RUSSO: I don't know.

26 SENATOR LEWIS: Question.

27 CHAIRMAN BURTON: Senator Lewis.

28 SENATOR LEWIS: Did organized labor ever oppose

1 any lame-duck appointments by Governor Brown?

2 MR. RANKIN: I wasn't here at the time.

3 CHAIRMAN BURTON: Thank you.

4 SENATOR LEWIS: Move.

5 CHAIRMAN BURTON: Moved by Senator Lewis. Call
6 the roll.

7 SECRETARY WEBB: Senator Ayala. Senator Hughes.
8 Senator Knight.

9 SENATOR KNIGHT: Aye.

10 SECRETARY WEBB: Knight Aye. Senator Lewis.

11 SENATOR LEWIS: Aye.

12 SECRETARY WEBB: Lewis Aye. Senator Burton. Two
13 to zero.

14 CHAIRMAN BURTON: The nomination is with the
15 Committee.

16 [Thereupon this portion of the
17 Senate Rules Committee hearing was
18 terminated at approximately 4:25 P.M.]

19 --ooOoo--
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CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN J. MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September, 1998.


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APPEARANCESMEMBERS PRESENT

SENATOR JOHN BURTON, Chair

SENATOR JOHN LEWIS, Vice Chair

SENATOR RUBEN AYALA

SENATOR TERESA HUGHES

SENATOR WILLIAM KNIGHT

STAFF PRESENT

GREG SCHMIDT, Executive Officer

PAT WEBB, Committee Secretary

NANCY MICHEL, Consultant on Governor's Appointments

WADE TEASDALE, Consultant to SENATOR LEWIS

FELICE TANENBAUM, Consultant to SENATOR HUGHES

ANDY PUGNO, Consultant to SENATOR KNIGHT

ALSO PRESENT

CAROL R. CHANDLER, Member
The Regents of the University of California

SENATOR JIM COSTA

BENJAMIN DURAN, President
Merced Community College

PAMELA JONES
California Women for Agriculture

JOHN F. HOTCHKIS, Member
The Regents of the University of California

SENATOR ADAM SCHIFF

GREGORY GOOD, Executive Director
Teach for America

DIANE ROBINSON, Incoming Executive Director
Teach for America

RALPH M. OCHOA, Member
The Regents of the University of California

1 SENATOR CHARLES CALDERON

2 ALICE GONZALES, Former Member
3 Board of Regents

4 ANNE RUDIN, Former Mayor
5 City of Sacramento

6 BOB WILSON
7 Legislative Advocate

8 LARRY CARR, Immediate Past President
9 Sacramento Chapter
10 UCLA Alumni Association

11 PETER M. ROONEY, Secretary
12 California Environmental Protection Agency
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P-R-O-C-E-E-D-I-N-G-S

--ooOoo--

CHAIRMAN BURTON: First appointee today, Carol Chandler, Member of the Board of Regents.

SENATOR COSTA: Members of the Rules Committee, it's my distinct pleasure to introduce to you an individual who has been appointed by the Governor of California to the California Board of Regents.

We think it is extremely important for the Central Valley to have a representative on the California Board of Regents. We are attempting to try to get the first University of California to be located in the San Joaquin Valley. We're not there yet, but we're making progress.

But my comments briefly this afternoon are directed toward Carol Chandler, a person whom I've had the pleasure to know for many, many, many years. She and her family have been extremely active on behalf of community efforts to provide better educational opportunities, to provide assistance to the needy, and to assist in trying to improve the overall quality of life for people who live in the Valley.

She herself is a graduate of the University of California at Davis. She has, obviously, a love and an affection and a fondness for the institution, and a tremendous pride in seeing that the University of California remain the highest educational institution in not only the nation but in the world.

I think it's with those goals and those aspirations she has directed her own efforts toward representing

1 not just the Valley, but to try to improve the overall quality
2 of education and the opportunities for education for students in
3 the Valley and students throughout the State of California.

4 I highly recommend her, and I believe she's done
5 a good job since she's been there, and would like to see her
6 continue.

7 Let me also add that when the Governor made the
8 appointment, I was not critical toward this appointment, whom I
9 take a great deal of pride in, but I think one appointment,
10 frankly, from the Valley is lacking. With the population base
11 in the State of California, with the fastest growing region
12 being the San Joaquin Valley, frankly there should be two or
13 three appointments from the great Central Valley that serve on
14 the Board of Regents. One almost smacks of tokenism, and we
15 think we ought to have at least two or three appointments from
16 the Valley on the Board of Regents.

17 She does a good job, and we'd like to have her
18 stay there. Thank you.

19 CHAIRMAN BURTON: Thank you, Senator.

20 MS. CHANDLER: Mr. Chairman and Members of the
21 Committee, my goal as a Regent of the University of California
22 is to help this great University meet the educational challenges
23 of the next century. In pursuit of that goal, I bring several
24 unique qualifications to the Board.

25 As Senator Costa said, I am the only Regent from
26 the Central Valley. And often, I find myself speaking as the
27 voice for Valley on the Board.

28 I'm a strong advocate for UC Merced. In many,

1 many years, the students of the Central Valley have been
2 underrepresented and underserved by the University of
3 California. In fact, our students attend the University at half
4 the rate of the students of the rest of the state.

5 We must meet the growing needs of the Valley and
6 Tidal Wave Two, which is looming on the horizon.

7 Agriculture is our number one industry in
8 California, and my background is in production agriculture. UC
9 research has made a tremendous impact on the industry. We have
10 ten agricultural field stations throughout the state which
11 contribute greatly in the outreach effort to bring the fine
12 University research and development to the people. This is part
13 of our land grant mission, and the cooperative extension
14 specialists are an extremely valuable resource.

15 Outreach is the cooperative extension of the next
16 century. We need to broaden access to higher education. As a
17 former high school and community college educator, I see the
18 need to increase community college transfers and improve
19 articulation. We need to monitor the 20 experimental pilot
20 programs that are in place by the University to increase our
21 eligibility pool in the post-affirmative action era.

22 I have worked with principals and teachers to
23 develop partnerships between K-12 and the University of
24 California to improve performance and provide incentive. It's
25 important to raise the standards for all students. With that,
26 we can provide incentive and give them the tools to open the
27 door and have their keys to success.

28 Finally, as the parent of a UC student and a UC

1 Davis alumna, I know that the biggest concern today is, can I
2 afford a college education for my child. I think if we
3 compromise affordability, we compromise access.

4 We need to keep student fees low. We need to
5 increase financial aid and scholarships.

6 It has been a privilege to serve as a Regent for
7 the University which has contributed so much to my life, my
8 family, and my industry.

9 And now I'm pleased to answer any questions you
10 may have, and I would appreciate your support.

11 SENATOR LEWIS: Thank you very much.

12 Questions from Members of the Committee? Senator
13 Hughes.

14 SENATOR HUGHES: You're aware of the fact, I
15 imagine, that I was pushing for 12.5 percent admissions of all
16 high schools to the UC system. I have now lowered my proposal
17 to the UC Faculty Committee's proposal.

18 And I'd like to know if you, as a Member of the
19 Board of Regents, would be encouraging the Regents to accept
20 that proposal that came out of President Atkinson's office for
21 four percent?

22 MS. CHANDLER: We've been studying that proposal
23 very carefully, and I serve to the Educational Policy
24 Committee. And I think it has definite merit.

25 What we're waiting for at this point is the
26 report from the Academic Senate. And what they're waiting for
27 is feedback from the high schools.

28 I believe we have only received feedback from 15

1 of the 858 high schools in this state. So, we're hoping to get
2 some more feedback and have them buy into the whole process.

3 But personally, I think great it would be a great
4 incentive for the rural schools in my area to provide the
5 classes that make their students eligible for University of
6 California. I know there are a lot of schools in my area that
7 just don't have the classes that are required. So, that could
8 be a real plus for us in the Central Valley.

9 SENATOR HUGHES: So, are you saying that you are
10 committed, and you would encourage the high schools to get in
11 that information so that you could proceed to evaluate whether
12 you want to adopt the four percent plan or not?

13 MS. CHANDLER: Absolutely.

14 SENATOR HUGHES: Do you in your own mind have a
15 deadline in terms of time? I mean, you could wait forever for
16 high schools to come forth with the information.

17 I would like to know if you would be committed to
18 pushing the high schools to come forth by a time definitive,
19 because that could go on into the 23rd Century if you just left
20 it up to them to do it on their own.

21 MS. CHANDLER: I agree. I'm very committed, and
22 I think we should set time line.

23 I think that we are losing students who could be
24 eligible. There is a tremendous lack of preparation that's out
25 there for students, and especially in my area. And I think that
26 we need to make the schools, the high schools, step up to the
27 plate and level the playing field so that all students have the
28 opportunity to be eligible.

1 So, I would encourage stepping up and making sure
2 that this happens in the next few months. I think the Academic
3 Senate is probably going to come forth with some sort of ruling
4 fairly soon. We expect it to be on the agenda.

5 SENATOR HUGHES: If it's not on the agenda?

6 MS. CHANDLER: We'll work on getting that
7 information as soon as possible.

8 SENATOR HUGHES: Thank you.

9 CHAIRMAN BURTON: Senator Knight.

10 SENATOR KNIGHT: No questions.

11 CHAIRMAN BURTON: Regent Chandler, one of the
12 things that unfortunately faces this Committee, and we've had
13 the problems with several appointees, including some State
14 College, State University Board of Trustees, is the fact of
15 really making appointments and confirming appointments that go
16 into the term of a new Governor.

17 And it has been the general policy, at least of
18 the majority of the Members of the Committee, and it's the
19 policy that I support, to not do confirmations that go into the
20 term of the new Governor. And if, in point of fact, either
21 there's a change in the administration and the direction of the
22 administration, because there will be a change no matter who's
23 Governor, we think that Governor should have opportunity to make
24 the appointment.

25 If there's a continuation of the policy, then the
26 new Governor would also have the right to follow through on the
27 policies of the Wilson administration.

28 I've had discussions with the Governor about

1 this. We have, needless to say, a disagreement about it.

2 And it is no way a reflection on people that are
3 nominated for these positions. But just last week, I found
4 myself turning down a former classmate of my law partners on the
5 same principle.

6 And it's at least the intention of the Chair on
7 these matters where they go into the term of the next Governor
8 to, at least at this time, hold them in the Committee.

9 I know that a dear friend of mine, a former
10 Regent, Stanley Sheinbaum, called me and spoke very highly of
11 you. That has to be a very difficult call for Stanley to make,
12 not to talk about you, but to talk to me.

13 But be that as it may, that's been the policy on
14 others, and that's going to be the policy here today. And
15 either apologizing for it or explaining it to you doesn't make
16 it any the less, either, distressing for you, but that's kind of
17 how it is.

18 So, I thank you.

19 SENATOR LEWIS: Mr. Chairman, I was going to make
20 this comment.

21 Of course, the one difference with the case of
22 Regents is that their term of office, they can't help, because
23 of the length of the term of office, they can't help but go over
24 into someone else's administration.

25 CHAIRMAN BURTON: I understand that. Some
26 Regents will even go beyond whether it's Lungren or Davis.
27 That's kind of the purpose.

28 Again it's not an easy thing, but it is a fact;

1 it just is a fact of life. It's kind of unfortunate. It's
2 either one of the strengths or weaknesses in the advice and
3 consent responsibilities.

4 SENATOR COSTA: Mr. Chairman, Ms. Chandler has
5 two other individuals that would want to speak on her behalf.

6 CHAIRMAN BURTON: Sure, absolutely.

7 SENATOR COSTA: Thank you.

8 MS. CHANDLER: Thank you.

9 CHAIRMAN BURTON: I should have asked for that
10 before. Thank you, Senator Costa.

11 MR. DURAN: Mr. Chairman, Members of the Rules
12 Committee, my name is Benjamin Duran. I'm the President of
13 Merced Community College in Merced, California, which is the
14 site of the next University of California campus.

15 I'm here today to ask, even in light of the
16 comments recently, to ask for your support in the confirmation
17 of Carol Chandler as a Regent for the University of California.

18 As I became involved in the campaign to bring the
19 University of California to our city, I had the opportunity to
20 meet with her and to speak with her at length. Following a
21 number of conversations with Carol, it became apparent to me
22 that we shared many of the same concerns and views regarding
23 higher education in the Central Valley.

24 As an educator who has experience in both the
25 K-12 system as well as the community college system, I was
26 impressed by the fact that Carol also had experience at the high
27 school level and at the community college level.

28 This certainly interest in education, coupled

1 with her community service, have contributed making her a strong
2 and respected voice for the youth of the Central Valley. This
3 advocacy has carried over to her duties as Regent, which is
4 demonstrated by her call for higher education to provide more
5 opportunities, and then use for Valley residents to take
6 advantage of opportunities offered by the higher education
7 system in California, with a special emphasis on the University
8 of California, which historically has recorded very low numbers
9 for students from the Central Valley.

10 Two groups that show especially low numbers are
11 students from underrepresented minority groups and those
12 students from very small, rural high schools, students who are
13 often very talented, but just can't find their way to the
14 University of California.

15 It's my belief that Carol Chandler is an
16 individual who has the background, the commitment, and
17 interestingly, when you see her, you wouldn't think this, but
18 when we get into conversations, she can be quite passionate to
19 speak on behalf of the Central Valley. So, I believe she also
20 has that passion.

21 But she does this while displaying the wisdom to
22 consider the well-being of the entire University of California
23 system and the issues that will come before her as a Regent for
24 deliberation.

25 UC Merced, the Central Valley, the entire
26 University of California system, and the State of California
27 would be well served by her appointment. I urge you -- I urge a
28 yes vote, and thank you for your time this afternoon.

1 CHAIRMAN BURTON: Yes, ma'am.

2 MS. JONES: Mr. Chairman and the Committee,
3 thank you very much. My name is Pam Jones, and I appreciate the
4 opportunity to share why I believe Carol Chandler has the
5 intellect, the integrity, and yes, even the compassion to serve
6 on the Board of Regents.

7 Before 1982, I don't think I'd ever met a farmer,
8 and I'd probably never met anyone from the Central Valley who
9 wasn't a politician or involved in politics up here. I was born
10 and raised in the Bay Area, not far from Carol. I'd been a
11 reporter. Had my perception and my knowledge challenged during
12 a fellowship with the Coral Foundation, and worked in a
13 political campaign for them, helping to elect some of your
14 colleagues and your would-be colleagues.

15 SENATOR KNIGHT: Democrats or Republicans?

16 MS. JONES: Both, actually. That was very
17 interesting.

18 After I worked on the political campaign firm, I
19 found myself being -- working on an issue with agriculture. And
20 that's when I met Bill Chandler, and subsequently his wife,
21 Carol Chandler. Before that, my knowledge of people in the
22 Valley and farmers was that they were quaint at best, maybe a
23 little hokey, and sometimes perhaps greedy and intolerant.

24 But those stereotypes seemed to fade away when
25 the people emerged, and the people were people such as Carol
26 Chandler, that I found were intelligent, interested in the
27 issues, had strong opinions, yet were willing to listen to the
28 opinions of others.

1 In 1982, I joined a group called California Women
2 for Agriculture. Carol was instrumental in founding the
3 organization in Fresno. It's a statewide organization, 3500
4 members. It basically tries to share the sense of the value of
5 California agriculture to the economy and to the quality of life
6 in California.

7 I didn't know much about agriculture. It was
8 people like Carol who took the time to share with me, not in a
9 dogmatic way, but to provide the opportunity to learn about
10 agriculture. Not all of it good, but very proud of it.

11 In 1994, I helped put together a week looking at
12 agriculture for the Coral Fellows, mostly they're focused on
13 urban issues, but agriculture was such a vital part. I called
14 on Carol and other people to open their homes, to open their
15 farms, sometimes they even opened up their books, and open up
16 their minds to enter into discussions with urban people, young
17 people, recent graduates of the University, to look at
18 agricultural issues and exchange information, to open a
19 dialogue.

20 That's what Carol has said to me on many
21 occasions, I do this to open the dialogue, to provide an
22 opportunity for these people that they wouldn't otherwise have.

23 It's that kind of open-mindedness, intelligence,
24 discussion of issues, that both through the Coral ag. week, and
25 when I was President of the California Women for Agriculture, I
26 saw in Carol, as she discussed issues not just with an eye to
27 what's good for the farmer, but to providing access to
28 information.

1 Carol is probably not what you'd call a polished
2 politician, but neither is she is a patsy, whether that's to the
3 Governor, or to a Legislator, or even to her husband, Bill.

4 She is proud of her family farming operation.
5 She's proud of the community that she's from. She's proud of
6 the efforts to provide access to thousands of students in Fresno
7 County at the county fairs, to see what agriculture is about,
8 and to show them that a fair is more than just carnival rides.
9 And I've seen her at work, trying to provide that opportunity to
10 students, just as with the young urban people.

11 California's agricultural community is strong for
12 a few key reasons: climate, soil, and the University of
13 California system. And it's the latter that probably makes us
14 different than many states and other countries. Carol sees the
15 value of this University system in keeping agriculture the vital
16 industry that it is to provide \$27 billion worth of income, a
17 multiplier of 70 billion, and that the University research and
18 extension service is crucial to that.

19 I would hope that this would be considered in
20 appointing people to the Board of Supervisors [sic].

21 In conclusion, I speak not only as someone who is
22 in agriculture, but as a parent of three students who are likely
23 future students at the University of California. I realize this
24 is a political appointment, but as a consumer, as a parent, I
25 would hope that that really would not be the prime consideration
26 in this issue. That's what my hope is.

27 Carol does have the intellect, the integrity, and
28 the compassion to serve not only the Valley and the farming

1 community, but parents such as myself, whether they're in an
2 urban area or a rural area.

3 Thank you very much.

4 CHAIRMAN BURTON: Thank you.

5 Any other witnesses in support? Thank you very
6 much.

7 CHAIRMAN BURTON: Next to introduce John Hotchkis
8 is Senator Schiff.

9 SENATOR SCHIFF: Good afternoon, Mr. Chairman,
10 Members.

11 It's my great privilege and honor to introduce
12 John Hotchkis for your consideration for confirmation to the UC
13 Board of Regents.

14 John is a third generation graduate of the
15 University of California. He's also a graduate of UCLA Business
16 School.

17 His children, all except the one that got away
18 and now attends Stanford, or did attend Stanford in my class,
19 are also UC grads.

20 But before I tell you more about John's
21 involvement with UC, I wanted to give you just a sample of some
22 of the incredibly extensive background he has in community and
23 civic life, a background which I think makes him a superbly
24 qualified candidate for confirmation to the UC.

25 First of all, he's a governor on the Music Center
26 Board. He is a director of the World Affairs Council in Los
27 Angeles. He's a director of the Los Angeles Philharmonic
28 Association. He is a director of the Big Brothers of greater

1 Los Angeles, which I take particular pride in, having been a Big
2 Brother with Big Brothers of Los Angeles for more than 12
3 years. He is also a director of KCET, the Public Broadcasting
4 Corporation of Southern California, and a director of Teach for
5 America.

6 There are two witnesses who would also like to
7 testify today on Mr. Hotchkis' behalf from Teach for America.

8 With respect to the University of California,
9 though, I think his record is equally impressive. He is one of
10 only four co-chairs of the \$1.1 billion capital campaign for the
11 University of California at Berkeley.

12 He is not only a Regent himself, but he is a
13 second generation Regent. His father was a Regent before him.

14 But I think what makes Mr. Hotchkis particularly
15 well qualified for the UC at this time and at this place is his
16 business expertise, and that is, Mr. Hotchkis is a manager of an
17 international or global money management firm. And we
18 desperately need a Regent with that kind of fiscal experience.
19 The UC invests 43 billion in assets.

20 The Treasurer of the UC reports to the Board of
21 Regents. There is no one else on the Board of Regents that has
22 this kind of financial expertise. He has already instituted
23 procedures to make sure that there's a performance audit of how
24 those funds are being invested.

25 Given that massive amount of assets within the UC
26 jurisdiction, given the pressures that it may face with the
27 Asian crisis going on now, with the crisis going on in the
28 Soviet Union, former Soviet Union, rather, I think it's

1 essential that we have someone with that kind of strong
2 financial expertise that the UC can draw upon.

3 And when you couple that financial strength and
4 expertise with the clear and very long-standing dedication to
5 community and civic life, I think I have an eminently well
6 qualified candidate for the Board of Regents.

7 I'm very proud to recommend him for your
8 consideration and introduce him here today, Mr. Chairman.

9 CHAIRMAN BURTON: Thank you.

10 Mr. Hotchkis.

11 MR. HOTCHKIS: Thank you very much,
12 Mr. Chairman, Members.

13 Covering a few of the same points that were just
14 covered, I am fourth generation Californian. I am a third
15 generation Berkeley Graduate. My grandfather and grandmother
16 were in the Class of 1898; my father was in the Class of 1960
17 [sic]. He was an Alumni Regent in 1936. And there has been a
18 succession of other members of the family that have attended the
19 schools.

20 We have been heavy supporters of both Berkeley
21 and Davis. I hope you don't hold that against me in any way.
22 We feel these are very important schools, and we have a great
23 passion for them.

24 I do bring, as Senator Schiff said, a fair amount
25 of background in global institutional money management. I think
26 there is a huge need for that. I think that's probably one of
27 the main reasons I was asked if I was interested in being a
28 Regent, so that the Regents do have some way of looking after a

1 really enormous amount of money, \$43 billion.

2 Since we have a responsibility, all 26 Regents,
3 since the Treasurer reports to the 26 Regents, it's vastly
4 important to be sure that money is considered precious. It's
5 going to be extremely important when we see valleys again in
6 economic conditions, which we will. It's extremely important to
7 support scholarships. It's extremely important to remember that
8 are many thousand of people who have retired from the UC system,
9 and those funds are taking care of their retirement. There's
10 150,000 employees of the University, and those funds are there
11 for their retirement. The endowment will take care of an awful
12 lot of problems down the road. So, it's very important.

13 But one of the most, I think, crucial things is
14 that I have been for ten years working with a group called Teach
15 for America. I'd like to bring them up here in a moment just to
16 tell you that, my God, in Los Angeles, a 6th grader has about a
17 12 percent chance of reading at the 8th grade level by the time
18 that student is 18 years old.

19 We just can't have that. We're losing a whole
20 generation of students. It just seems to me, at least, the
21 opportunity for an excellent education should be as universal as
22 the right to vote. And if we don't face that problem pretty
23 soon, it's going to be difficult.

24 May I bring --

25 CHAIRMAN BURTON: Yes, please.

26 MR. HOTCHKIS: I'd like to introduce to you Greg
27 Good and Diane Robinson of Teach for America.

28 Greg, would you just explain a little of what's

1 been going on?

2 MR. GOOD: Mr. Chairman, Members of the
3 Committee, thank you.

4 I am the Executive Director of Teach for
5 America. We are a national teacher corps of recent college
6 graduates recruited, selected, from diverse backgrounds and
7 academic majors, who commit to teach for two years in our
8 nation's most under-resourced urban and rural public schools.

9 These folks emerge from this experience with a
10 heightened level of consciousness that, in some cases, will lead
11 them to a career in education, and others to assume leadership
12 positions in the private sector, in government, et cetera.

13 Mr. Hotchkis, from the very beginning of our
14 organization, from its inception in 1990, has not only played a
15 leadership role on behalf of Teach for America throughout
16 California, but in fact basically shepherded us into this
17 state. He has supported us personally. He has introduced us to
18 many different supporters, both in the education world in this
19 state, as well as the private sector and the media, and has been
20 a big force for us.

21 And Teach for America essentially is answering a
22 question in Los Angeles that has to be answered, both in the
23 immediate, with teacher shortages and providing outstanding
24 folks to fill those vacancies, as well as providing leadership
25 in terms of folks who leave this experience and move on to other
26 things, including being principals, et cetera.

27 So, I'm now going to be leaving Teach for America
28 and would like to introduce Diane Robinson.

1 MS. ROBINSON: My name is Diane Robinson, and I'm
2 the incoming Executive Director of Teach for America in Los
3 Angeles.

4 I was recruited to join the corps in 1994, and I
5 was placed to teach in Compton, California, where I taught for
6 two years a first grade classroom. In Compton, I saw many
7 inequities, but I also saw children who wanted to learn, so I
8 focused on implementing a curriculum that would empower my
9 students to succeed and give them an equal opportunity to
10 education.

11 I was also moved to join school leadership, and I
12 continued teaching for another two years in Hawthorne.

13 Basically I'm here to support John Hotchkis in
14 his nomination, and I would ask for his confirmation because I
15 think his support in our efforts has been tremendous. And in
16 order for us to continue what we're doing, and bringing teachers
17 into the classrooms to affect the lives of these children, I
18 think it would be imperative for someone like John Hotchkis to
19 be involved in this effort.

20 Thank you.

21 CHAIRMAN BURTON: Do you have other witnesses?

22 MR. HOTCHKIS: No.

23 CHAIRMAN BURTON: Questions, Members of the
24 Committee?

25 SENATOR HUGHES: I'd just like to thank both of
26 the witnesses for teaching in my district. I know quite a bit
27 about Teach for America. I observed teachers from Teach for
28 America working on site in Compton, and in Hawthorne, both in my

1 district.

2 So, don't leave. Come back, recruit more young
3 people.

4 And to the Regent, thank you for being so astute
5 and aware of the need.

6 The question I want to ask you is the question
7 that I asked Regent Chandler about how she felt about my
8 proposal for the 12.5 percent, and then I picked up on President
9 Atkinson's and the faculty's proposal for 4 percent.

10 What do you think about those proposals, and what
11 do you plan on doing about it, if anything?

12 MR. HOTCHKIS: Senator Hughes, first of all, you
13 probably know more about the University system than I know,
14 having had give siblings there.

15 SENATOR HUGHES: I had five children there, so
16 we're even.

17 MR. HOTCHKIS: Well, I think this is an extremely
18 good idea. I support it.

19 It is clearly a case where the problem is getting
20 the high schools to return their little slips, or whatever it
21 is.

22 I would like to see this thing get going. I am
23 extremely anxious for any way that we can push this thing
24 along. Sometimes it's like hitting a sponge; nothing seems to
25 happen.

26 All I can say is that it's certainly worth
27 pursuing, and I'll do the best I can.

28 SENATOR HUGHES: The same question, a follow-up

1 question that I asked Chandler, and that is, if the high schools
2 don't come forth shortly with their report, will you be
3 complacent and patient enough to wait until they answer you, or
4 will you be aggressive and pushy enough to say that time is of
5 the essence because these children can no longer be outside the
6 loop?

7 MR. HOTCHKIS: Well, I share the same answer as
8 Carol Chandler. I think that we can't wait forever. I think
9 that definitely it would be very important for this to get
10 going.

11 And how that's going to be handled, clearly, I'm
12 all for getting it done.

13 SENATOR HUGHES: Thank you very much.

14 CHAIRMAN BURTON: Other questions, Members.

15 As I said earlier, and many people also have
16 called me about Regent Hotchkis and we had discussion, but
17 again, it is the same situation that we're facing as far as
18 appointments going into the next administration again.

19 Conceivably, if you have a continuation of this
20 administration after November's election, that there would be
21 time to revisit this issue on the appointment.

22 But at this time, it would be my intention,
23 again, to hold the measures, leave them in the Committee. And
24 if Lt. Governor Davis wins, it's one thing; if Attorney General
25 Lungren wins, it's certainly something else. That would give us
26 some time to revisit.

27 Thank you.

28 MR. HOTCHKIS: I thank you all, too. I hope that

1 I do have your support when the time comes.

2 Thank you.

3 SENATOR SCHIFF: Thank you, Mr. Chairman.

4 CHAIRMAN BURTON: Thank you, Senator.

5 CHAIRMAN BURTON: Regent Ochoa.

6 CHAIRMAN BURTON: Senator Calderon.

7 SENATOR CALDERON: Yes, Mr. Pro Tem, Members of
8 the Rules Committee, I realize that these are very difficult
9 decisions that have nothing to do with the candidates before
10 you. It has a lot to do with the fact that they're appointed
11 for twelve years. And we're at the end of one administration,
12 with the possibility of a new administration coming in.

13 Certainly, I do not disagree with some of the
14 statements that have been made here today, and some of the
15 thinking that has been expressed in terms of whether it is wise
16 to make such an appointment for such period of time.

17 I'm here for two reasons in that regard. The
18 first is that Regent Ochoa would only be appointed to fill out,
19 I think, a year-and-a-half, so it's not a twelve-year term. It
20 is a one-year-and-a-half.

21 Probably the second and most important reason I'm
22 here is because I've known him for a long time from the
23 community. We've sort of grown up together, he before I. In
24 fact, he was even out there, brokering my Assembly race when I
25 ran for the State Assembly. Not really brokering, but turned
26 out to play a very strategic part that ultimately cleared the
27 way for me to be elected. And at that time, of course, there
28 were only five Latinos, I think, in the entire Legislature.

1 So, I think it's important for me to be here
2 because he's a friend, because he's been consistent in what he
3 has stood for, and that is diversity. And with the position
4 that the University has taken with respect to affirmative
5 action, I think it's particularly important to have someone
6 there who we don't have to explain or educate about the
7 importance for diversity.

8 But also to have somebody there who has the
9 skill, experience, and the know-how that, notwithstanding
10 actions that the University has taken, or even initiatives that
11 have passed, will know how to bring in and maintain that
12 diversity in the University of California.

13 I guess in short, I know that with Ralph there, I
14 don't have to worry about anybody else from my community having
15 a chance. I know he'll be there for them, to give them an
16 opportunity at this American pie, in the same way he was there
17 for me.

18 And so, it's with that experience of what he's
19 done and who he is, and also his record as a long-standing
20 Democrat, that I come before this Committee and, without
21 reservation, can recommend him to you, notwithstanding some of
22 the valid considerations that have been raised with respect to
23 the end of one administration and the beginning of the other.

24 I hope that you give him careful consideration,
25 and keep in mind, it's just a year-and-a-half.

26 CHAIRMAN BURTON: Thank you, Senator.

27 MR. OCHOA: Mr. Chairman, Senators, thank you
28 Senator Calderon, good afternoon.

1 My desire to continue serving on the UC Board of
2 Regents stems from first my commitment to education, both public
3 and private, and from my involvement over the past 15 years in
4 serving UC in a myriad of leadership positions.

5 My dedication to promoting education is derived
6 from my appreciation for opportunity I received, allowing me to
7 be educated at a world class university, in spite of the fact
8 that I was born and raised in East Los Angeles by immigrant
9 parents who had virtually no formal education. UCLA, as a
10 public university, was accessible.

11 Today, I believe more than ever that higher
12 education is perhaps the most effective vehicle for leveling the
13 playing field of our richly diverse population. However,
14 California is at a critical juncture as to whether the public UC
15 system can ensure access for qualified students from all
16 communities. If we fail in this mission, the richness which I
17 believe diversity contributes to a full learning experience in
18 an intellectually stimulating environment will be lost.

19 Diversity; diversity of backgrounds, ideas,
20 cultures, diversity of languages, values, mores, and
21 ethnicities. This diversity is the vitality of our American
22 democracy, the cornerstone of our international and global
23 intellectual academy in a modern society.

24 As far as the contributions to UC, in a special
25 way to my alma mater, UCLA, I've learned much and prepared
26 myself to serve effectively and responsibly as a UC Regent.
27 I've got a number of those roles, but I'll mention only one, and
28 address a couple of issues which I think are extremely important

1 and topical with the UC Regents.

2 In 1995, I was nominated by UC President Atkinson
3 to serve as a public member on the Western Association of
4 Schools and Colleges, the accrediting commission for senior
5 colleges and universities in California. It's given me the
6 opportunity to work with a number of presidents of both the
7 private universities, and CSU, also UC campuses, and
8 understanding how they evaluate the success of what their
9 efforts are to educate young people in our colleges in
10 California.

11 As far as what the University of California is
12 doing relative to outreach in K-12, and also outreaching to the
13 community college system, I think that it's really critical. I
14 think that in my due diligence on some of those information, I
15 can speak not only on behalf of the communities that we're
16 trying to outreach, but more importantly, a voice from those
17 particular communities.

18 It wasn't morning about six weeks ago that the
19 L.A. Times did an in-depth study, sufficiently comprehensive,
20 over four or five days. And the upshot of that was that the
21 K-12 system in California is a veritable disaster. And the L.A.
22 Times is also now focusing on the community college system.

23 There's a Memorandum of Understanding between the
24 UC President Atkinson and State Chancellor of the Community
25 Colleges, a Memorandum of Understanding in order to increase the
26 number of student transfers from the 106 community colleges.

27 I think there's some dramatic statistics, though,
28 that very few of you are probably aware of, except that I know

1 Senator Teresa Hughes has been working on this issue. Out of
2 the 106 community colleges in California, 90 percent of those
3 transferees to UC come from only 22 of those colleges. And
4 there really is an important question, that if all we're doing
5 with the Memorandum of Understanding is trying to increase the
6 number of transferees, they still come from only 22 of those 106
7 colleges.

8 I think that it's important for persons like
9 myself, who do the due diligence and understand those
10 communities, to be able to have the dedication in those
11 particular issues, which are critical today, and the issue of
12 affirmative action, to understand those particular facts. To
13 the extent that those facts are not brought to the attention of
14 the Board of Regents, I think that we will miss opportunities to
15 have as great a success as we need with the outreach of UC.

16 Thank you, Members. I only bring your attention
17 to the fact that I am here asking your confirmation on only a
18 year-and-a-half left to my term.

19 CHAIRMAN BURTON: Are there witnesses in support?

20 MR. OCHOA: Yes, I do, Senator.

21 MS. GONZALES: Good afternoon, Senator Burton,
22 Members of the Committee.

23 I saw Nancy Michel's up here. I haven't seen her
24 for awhile. I hear that she's about ready to retire. It's nice
25 to see her also.

26 My name is Alice Gonzales. I live in Rocklin,
27 California, former resident of the Bay Area, and I think I've
28 known Senator Burton for a long time, and other Members who

1 represent the Bay Area.

2 I come before the Committee this afternoon on
3 behalf of and in support of Ralph Ochoa, whom many of you know,
4 whom I consider a friend and a former colleague.

5 I am sure that you are all aware of the work that
6 Ralph has done, not only here in Sacramento, but on behalf of
7 the state.

8 I believe that Ralph is the kind of man who can
9 really identify with the students, the students who he and I are
10 so anxious to bring into the University system. He knows that
11 the University is for and on behalf of the students.

12 He, as a young Hispanic who has accomplished
13 much, and acquired his education in the public system of our
14 state, from grammar school through the University of California,
15 and consequently, he is probably one of the strongest advocates
16 for students, minority students in particular, but I believe
17 that all students are part of his advocacy. He has been an
18 advocate for years.

19 When Ralph was the alumni representative in 1990
20 to '92, we were seat mates. And he was there as the alumni rep
21 and served his colleagues and former classmates very well. He
22 was one of the strongest voices on behalf of students. And I
23 have not forgotten that, and I hope that no one else who sat
24 alongside him forgot that, either.

25 He never hesitated to question the staff, to
26 question the faculty, to question the administration, if it
27 meant that they were not keeping their commitment to education,
28 to research, and to community services.

1 In those years, we -- and I believe that some of
2 us who sat on that Board were somewhat ahead of the curve -- we
3 acknowledged, we recognized the problems between K-12 and the
4 educational system that was in trouble, and we made every effort
5 to address it.

6 I know now that all of you are very well aware of
7 what has happened and the consequences of what has happened to
8 the education in the State of California and are addressing it
9 by putting that money like where our mouth is.

10 I know that now Ralph is involved in the
11 development of model programs that will allow youngsters the
12 ability and the education that they need to get into the
13 system.

14 I hope that all of you read the editorial in this
15 morning's Sacramento Bee that addressed bridging the gap. Ralph
16 Ochoa has been instrumental in the development of just like this
17 program. Ralph and I were participants with the editorial board
18 of the Sacramento Bee just a week or so ago that was
19 instrumental in the development of this editorial piece.

20 I want all of the Members of the Committee to
21 keep in mind that someone like Ralph is needed on the Board to
22 give it the impetus, if you will, to continue the efforts that
23 will allow youngsters who are not coming from these 22 community
24 colleges that he addressed because of where they live, and that
25 we can get other youngsters to get into the system, regardless
26 of where they live.

27 And please keep in mind that Ralph's term is only
28 a year-and-a-half. Senator Burton, I address that to you.

1 And I am here to recommend that you confirm
2 Ralph, and I come to you without any reservations that he will
3 serve you all very well.

4 Thank you.

5 CHAIRMAN BURTON: Thank you.

6 MS. RUDIN: Thank you very much. Good
7 afternoon, Senator Burton and Members of the Committee.

8 I'm Anne Rudin, former Mayor of the City of
9 Sacramento and public official for 21 years.

10 It's an honor for me to come before you today to
11 speak on behalf and in support of the confirmation of Ralph
12 Ochoa to the University of California Board of Regents.

13 I've known Mr. Ochoa for approximately two
14 decades through his activities in the Sacramento community. He
15 has an impressive record of achievement, not just locally but
16 throughout the state and the nation, as well as previous
17 experience as Regent, as you all know. And that record of
18 achievement is real testimony to his character, to his
19 integrity, and to his sense of fairness. He's a person of
20 conscience and of high ethical and moral standards.

21 Mr. Ochoa's concern for educational opportunity
22 for all extends beyond the local level. It goes to the state
23 level and beyond. He appreciates the importance of education as
24 a leveling factor, to level the inequities that exist in our
25 society, both socially and economically. He sees it as
26 important in preparing an individual for a fruitful life, for a
27 rewarding life, with the ability to contribute to the economy of
28 our state.

1 Ralph's able to address tough issues. I've seen
2 him do it. He does it in a fair and constructive way, and he's
3 shown in his approach to the implementation 209 and the related
4 legislation and implementation policies that he can do it.

5 He can express disagreement with you in the most
6 civil and respectful way. At the same time, his is looking for
7 consensus, and cooperation, and common ground. He's very good
8 at that. He is very thoughtful and thorough in his
9 consideration of issues and in solving problems, and he really
10 cares about education and about the well being of the kids of
11 our cities throughout California.

12 He's especially able in bringing people of many
13 points of view together to form consensus. He demonstrated this
14 very clearly in an experience I had with him just a few years
15 ago, when he played a very strong leadership role in an intense
16 school bond campaign here in Sacramento.

17 He and I were co-chairs, so I had pleasure of
18 working with him first-hand and saw how he worked with groups
19 and individuals of many diverse backgrounds to make them aware
20 of the need. He's a real teacher in that way. He can explain
21 things to you in such a clear, lucid way. He does it over
22 lunch, he does it any opportunity he gets, and you understand
23 what he's talking about.

24 But he was able to make -- bring the public
25 together and make them aware of the need for these school bonds.
26 He contributed unstintingly of his own resources in a very
27 generous way, including time from his law practice to do what
28 had to be done.

1 He continues to lament the fact that we lost by a
2 very, very small margin, two-tenths of one percent short of
3 getting that two-thirds vote.

4 But he was really thinking about the kids. He
5 kept saying, we let the kids down when he saw the kind of
6 facilities they had to continue to go to, day after day, and we
7 were not able to make it well.

8 I can't think of a person more suited for this
9 position. I can't think of a person more trustworthy. And
10 without reservation, I commend him to you for appointment. If
11 he merited appointment once before, he more than ever merits it
12 again.

13 Thank you very much for giving me the opportunity
14 to speak to you.

15 MR. WILSON: Mr. Chair and Members, my name is
16 Bob Wilson.

17 I've known Ralph for 27 years. When I first came
18 to the Capitol, Ralph was helping Democrats get elected to the
19 Assembly.

20 One thing that Ralph has always cared about more
21 than anything else, we would have discussions over the years,
22 is his attempt to get poor people into the University of
23 California.

24 Ralph grew up poor, grew up in a family that
25 didn't speak English, hardly spoke English himself, and he has
26 become very successful in life because of the fact that he was
27 able to receive a University of California education.

28 Ralph would like to see that for everyone. That

1 is his goal in life. Some people have different goals, they're
2 interested in other things, but Ralph is extremely interested to
3 see that poor people get into the University of California. And
4 he believes that not enough poor people get into the system,
5 that they are excluded.

6 One of the things that he has worked on is
7 articulation agreements with community colleges, so that the
8 curriculum in a community college is set to be the same as the
9 curriculum in the University of California. So that a person
10 can take a class at San Diego Community College and have that
11 transfer to the University of California.

12 Those are some of the kinds of things that Ralph
13 has been working on. Ralph is a person, and we all know him,
14 that has a tremendous amount of energy. He comes to this job
15 with more energy than anybody I know. He wants to do the job,
16 and he wants to do it for one simple reason. He wants to see
17 more people gets into the University of California. I can't
18 think much a more noble reason to want to be a Regent.

19 He wants to be there to help poor people, and
20 that's what he's done. And he is unusual from this standpoint,
21 that you can look at a prior record because he served on the
22 Board for a two-year period of time, and that was his major
23 thrust.

24 I think that if you confirm Ralph, you'll be
25 doing poor people in California an extreme service. I can't
26 think of anyone in my opinion that would do a better job than
27 Ralph.

28 Thank you.

1 CHAIRMAN BURTON: Sir.

2 MR. CARR: Mr. Chairman, Members of the
3 Committee, thank you for hearing my comments. I'll be brief.

4 My name is Larry Carr I'm a retired Army Lt.
5 Colonel. I taught high school last year and will do so next
6 year at Sacramento High School, two programs, the ROTC program
7 and a program called Add It.

8 I'm also the immediate past president of the
9 Sacramento Chapter UCLA Alumni Association.

10 I've known Ralph Ochoa personally for five years,
11 and I come here in support of his nomination.

12 It was my pleasure, as the President of the UCLA
13 Alumni Association to award Ralph a first ever Alumnus of the
14 Year Award for the Sacramento area. We did so at the
15 Legislative Conference last year.

16 At Sacramento High School, I was not surprised to
17 see Mr. Ochoa show up. I was not surprised to see him looking
18 at the programs that we had in place and that we were trying to
19 implement to ensure that we had all of the underrepresented
20 groups that we could get going into the University system.

21 His involvement in that on a personal level, his
22 understanding that children, students, who are first-time, who
23 are first generation college, need assistance. Things that are
24 talked about across the dinner table in homes where parents went
25 to college are not talked about at all if your parents didn't go
26 to college, and Mr. Ochoa realizes that.

27 And he came out to look at those programs. And
28 he's seeing and acting as a pollinator of not only our

1 associations with the University system, but our association
2 with the college system, city college system.

3 And he's even gone one step further and gone out
4 to our middle schools, to the schools that feed us, to ensure
5 that we have this seamless articulation, that we can have
6 students who are taking the right types of courses in middle
7 schools so that they're prepared for high school, so they're
8 prepared to get into the University system.

9 I know Ralph was instrumental, and he's using his
10 position as a bully pulpit, if you will, to let everyone in the
11 community know that this is a problem, and that there are ways
12 to address it in this post-209 era.

13 So, I come in support of Mr. Ochoa as both a
14 friend and as a professional who is trying to make this
15 community, and the state, and this college system better, and I
16 urge your yes vote.

17 CHAIRMAN BURTON: Questions, Members of the
18 Committee? Senator Lewis.

19 SENATOR LEWIS: Mr. Ochoa, I'm looking at your
20 resume here, and I see that back in 1967, you were a legislative
21 aide to the United States Senator, Joseph Tidings. And from
22 1974 to '78, you were a chief assistant to the State Assembly
23 Office Speaker, Leo McCarthy, and that also you're a registered
24 Democrat.

25 MR. OCHOA: Yes, sir.

26 SENATOR LEWIS: I was just when wondering, are
27 you part of the Governor's grand plan to politicize the Board of
28 Regents?

1 MR. OCHOA: I believe the Governor recognized the
2 preparation that I've had, as I mentioned, with a number of
3 leadership roles with the University of California, both as a
4 volunteer and alumni, and I could hit the ground running, if you
5 will, on a short term.

6 I believe those are the reasons that the Governor
7 selected me.

8 CHAIRMAN BURTON: Senator Hughes.

9 SENATOR HUGHES: I want to thank the witnesses
10 that came to testify in your behalf. They need not have, as far
11 as I was concerned, because I know of your fine work and your
12 commitment.

13 I have known you from the early '70s in terms of
14 your work. I was very impressed by the things that Mayor Rudin
15 said, and also all of my other friends sitting here, Senator
16 Wilson.

17 And your record speaks for itself.

18 I want to publicly thank you, Ralph, for always
19 being of assistance to me personally, and particularly in
20 pursuit of my goals and objectives on the Select Committee for
21 Admissions. I appreciate the fact, And I want it known in this
22 body, that you attended several hearings on the Select Committee
23 on UC Admissions. And you brought some interesting people to
24 the hearing, who gave a lot of good input, and I thank you for
25 your work.

26 Now, I'd like to go to the same question that I
27 asked the other applicants about, what will you do as you sit
28 and wait as a Regent for the reply from the high schools about

1 their numbers of students who would qualify? Are you just going
2 to sit there, complaisantly, or will you be proactive?

3 MR. OCHOA: Senator Hughes, thank you for the
4 compliments.

5 I am not sitting passively. One of the things
6 that I've been able to do, because I'm convinced that the good
7 colleagues that I have on the Board of Regents are anxious to
8 take the right direction, but we have different backgrounds.
9 And my background in education and in the communities that we're
10 attempting to outreach, I've set up and accomplished already a
11 number of meetings that include the Chancellors, up and down the
12 state, at the UC campuses. And those venues have included
13 meetings with the superintendents of schools in those areas, and
14 those Regents that live in the area.

15 For instance, in Los Angeles, about two months
16 ago, we had a meeting that included Chancellor Carnesale at
17 UCLA, Rubin Sacadillas, the relatively new Superintendent at
18 L.A. Unified School District. The Regents that attended, other
19 than myself, were Tom Sales, Velma Montoya, Max Espinoza, the
20 Student Regent from UCLA. There were other persons from the
21 staff there.

22 But it gave us all a chance in those discussions
23 to understand what the outreach is, and whether the programs are
24 really working. And it gave those particular Regents an
25 opportunity to understand from the Superintendent of Schools,
26 what he needs, what's working, and what isn't.

27 We have had -- I have been instrumental in
28 setting those kinds of meetings up. In Palm Springs, Ray

1 Orbach, the Chancellor at Riverside, came out to Palm Springs,
2 also Regent Sue Johnson. We had elected members of that school
3 board there with the Superintendent.

4 And Palm Springs, you ask why, it's 52 percent
5 Latino population, with Latinos who work in the restaurants and
6 other of those service kinds of jobs, mostly Spanish speaking.
7 And we are inaugurating in September three specific programs,
8 like the partnership program, in order to get to youngsters in
9 the third and fourth grade and move them through.

10 We've had those kinds of meetings, and Chancellor
11 -- excuse me -- and Regent Chandler was with me in Fresno, with
12 the Superintendent and several of the programs there.

13 We were also able to do that here in Sacramento
14 with Chancellor Vanderhoef and about twelve of the
15 superintendents of the outlying areas to go through and be able
16 to measure what these particular programs can and can't do.

17 I've also had a chance, as you know, because
18 I've been working with your staff on some of these, working with
19 Professor Weideman, who is one of the movers for boys in the
20 Academic Senate.

21 When this project presented to the Regents about
22 two months ago, there were, I think, about eight or nine
23 legitimate questions or concerns that were raised by the
24 Regents. So, I've been working with Professor Weideman to make
25 sure that there are the appropriate amount of due diligence for
26 clear answers, so that in a month, certainly not more than two
27 months, that'll be before us, and we'll be able to work through
28 that, hopefully, to accomplish that 4 percent issue.

1 Lastly, I would say that some of those concerns
2 are whether the 4 percent would displace those students that are
3 right now going through the existing application process.
4 That's a public media concern, but I would lastly say that the 4
5 percent issue does not impact on the existing application issue
6 for the top 12-1/2 percent graduates, Senator.

7 CHAIRMAN BURTON: Just a comment.

8 Again, we have until after the election to make a
9 determination on this. I would point out that your predecessor
10 was up for a short-term appointment. He was rejected.

11 What we're doing with these is holding them in
12 abeyance, pending the outcome of the election.

13 But I do thank the Regents, and thank all of the
14 witnesses.

15 MR. OCHOA: Thank you, Senator.

16 Senators, thank you.

17 CHAIRMAN BURTON: Mr. Rooney.

18 Senator Costa introducing Mr. Rooney. I think
19 this one can be mercifully brief.

20 SENATOR COSTA: I agree.

21 CHAIRMAN BURTON: And go ahead, Senator Costa.

22 SENATOR COSTA: Thank you very much,
23 Mr. Chairman, Members of the Committee.

24 I don't think that Mr. Rooney needs an
25 introduction, because I think for many of us, we've had an
26 opportunity to work with him in a number of areas and
27 capacities.

28 I think he's doing a good job as it relates to

1 the efforts with the Environmental Protection Agency, a
2 controversial agency in the State of California, nonetheless, a
3 job that needs to be done.

4 And while I've not always agreed with this
5 gentleman, I think that nonetheless, he is attempting to try to
6 implement policy in a fashion that is open and fair, and tries
7 to protect the environmental issues that the State of California
8 has to face.

9 On that basis, I do recommend him for
10 confirmation. He serves at the pleasure of the Governor, and as
11 it relates to the caveat that the Chairman commented on with the
12 previous Board of Regents appointments, in that sense I don't
13 think this appointment falls in that same category.

14 I would hope that you would confirm him.

15 CHAIRMAN BURTON: Mr. Rooney.

16 MR. ROONEY: Thank you, Mr. Chairman, Members of
17 the Committee. Thank you, Senator Costa. I agree that the best
18 way, perhaps, we could proceed is for me keep my remarks
19 extremely short, and then invite any questions that you might
20 have about the operation of Cal-EPA.

21 I've been the Secretary since October 6th. I am
22 very pleased to report to you that we have some 4,000 employees
23 who are dedicated to the mission of protecting public health and
24 the environment. I think that I've inherited a very good staff
25 in those 4,000 people. One of my roles is to keep them
26 motivated, to keep them working and focused, and to coordinate
27 their efforts so that we don't have duplication and we can
28 protect the public health and the environment.

1 In a brief nutshell, I've been in state
2 government for about four years, first at Food and Agriculture,
3 in which I handled some environmental issues, including federal
4 implementation for air.

5 I think the most important thing for me, though,
6 and for you, is for me to answer any questions you might have
7 about the operation of the Cal-EPA, and I'd be happy to answer
8 those questions.

9 CHAIRMAN BURTON: Thank you, sir.

10 Any questions, Members of the Committee?

11 CHAIRMAN BURTON: Moved by Senator Lewis.

12 Call the roll.

13 SECRETARY WEBB: Senator Ayala.

14 SENATOR AYALA: Aye.

15 SECRETARY WEBB: Ayala Aye.

16 SECRETARY WEBB: Senator Hughes.

17 SENATOR HUGHES: Aye.

18 SECRETARY WEBB: Hughes Aye. Senator Knight.

19 SENATOR KNIGHT: Aye.

20 SECRETARY WEBB: Knight Aye. Senator Lewis.

21 SENATOR LEWIS: Aye.

22 SECRETARY WEBB: Lewis Aye. Senator Burton.

23 CHAIRMAN BURTON: Aye.

24 SECRETARY WEBB: Burton Aye. Five to zero.

25 [Thereupon this portion of the
26 Senate Rules Committee hearing was
27 terminated at approximately 3:15 P.M.]

28 --ooOoo--

CERTIFICATE OF SHORTHAND REPORTER

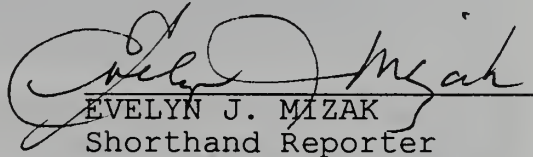
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That I am a disinterested person herein; that the foregoing transcript of the Senate Rules Committee hearing was reported verbatim in shorthand by me, Evelyn J. Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

23rd day of September, 1998.


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NATURAL RESOURCES
& WILDLIFE

August 19, 1998

Senator John Burton, Chair
Senate Rules Committee
State Capitol
Room 400

RE: Confirmation Hearing for Peter Rooney as Secretary for
Environmental Protection

Dear John:

It is my understanding that the Senate Rules Committee will review the nomination of Peter Rooney for Secretary for Environmental Protection today.

Because the current Administration will leave office at the end of the year, and Mr. Rooney's remaining tenure at the agency will therefore be brief, I do not intend to oppose his nomination before the Rules Committee.

However, I am writing to express my deep concern over the operations of the agency Mr. Rooney has overseen for the past several years and to ensure that these concerns are made a part of the record of the Rules Committee's proceedings on his confirmation.

CAL-EPA was created in 1991 to consolidate, streamline, and improve state environmental protection programs. The agency was created by executive reorganization plan, which provided no ability of the Legislature to ensure that the goals the agency established for itself were actually met. At the time, the Administration pledged to work with interested legislators to fix the problems which existed with the agency at its inception; however, to date, no such effort has been forthcoming.

John Burton
8/19/98

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As a result, the California Environmental Protection Agency has become what one capitol reporter referred to as "the oddest duck in state government."

Specifically, the agency failed to ensure that the public health and water quality impacts of MTBE in gasoline were adequately addressed. It is the agency which, in the early 1990's, negotiated the Smog Check II Program which has come under such intense criticism and which Senator Peace and others worked to repair in this year's budget. It is the agency which, rather than streamlining and reducing the costs of government, has added millions of dollars a year in increased bureaucracy to the state budget, largely earmarked for political appointees and press staff.

Moreover, from the environmental perspective, the agency has failed to ensure that public health and the environment are protected. The agency has publicly opposed legislation to protect children's' health and to provide environmental justice to minorities and other persons living in lower-income areas of the state.

It has delayed for years the issuance of reports designed to reduce known toxins such as lead in our environment. And it has failed to achieve even the basic commitments the agency made when it was created back in 1991.

These conclusions are not mine.

In 1996, the agency appointed its own hand-picked "Blue Ribbon commission" to review its performance in streamlining its programs and improving environmental quality. That panel concluded that the California's environmental programs continue to be fragmented and unaccountable.

This year, the non-partisan Legislative Analyst's Office issued a strongly-worded report on the agency, stating that CAL-EPA is not meeting its goals, that it has failed to focus on its mission to protect the environment, and that its current structure is inherently inconsistent (see attachment).

Most recently, I have received the attached letter from Congressmen Dingell and Manton complaining about CAL-EPA's unwillingness to respond to congressional requests for information on California's Superfund Sites.

John Burton
8/19/98

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In sum, these, and numerous other problems with the agency lead one to conclude that the agency is in need of a significant overhaul.

As you know, last week, the Legislature passed a budget trailer bill which established a sunset review process for CAL-EPA. This bill would give the Legislature the opportunity, after the present Administration has departed, to address the numerous problems with the agency.

In closing, I would simply emphasize that my neutrality on Mr. Rooney's confirmation should not be construed as tacit approval of this agency's performance under his tenure.

Thank you in advance for including my letter in the Rules Committee Record.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron", with a stylized flourish at the end.

BYRON D. SHER
Senator, 11th District

BDS:jm

363-R

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